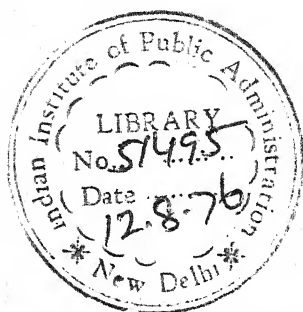


# State and District Administration in India

J. D. Shukla



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To  
**MY WIFE**  
*Late Sudarshana*

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## INTRODUCTION

This is a study of district and state administration in India. It is a study in depth and in detail ; it is also a comparative study as variations in the administrative set-ups in different states and their implications have been noted and compared.

An administrative set-up or organisation consists of two interlinked parts : one is the functional structure and the other the staffing pattern. The structure is more stable ; the staffing pattern is more liable to change. One way of writing this book was to describe the structure and main functions of departments and leave it at that. But that would not have given a living and concrete picture of administration. The method adopted herein, therefore, has been to describe administrative set-up and departmental organisations in full. Together with a description of the structure and main functions and duties of an organisation, officials manning the organisation at different levels with their designations have been also mentioned. A complete picture has been presented, easy to grasp. But, for this it was necessary to fix a point in time, as minor details especially connected with staffing and the size of department keep on changing. The middle point of this century has been chosen for this purpose, and this for two reasons. In the first place, at this point of time the administration was pretty stable in the sense that many experiments in change had not been tried ; these came later. But despite these later changes, the structure remained broadly the same. Secondly, such an approach has a historical use ; at the middle point of this century, the administration had retained its characteristic which it had acquired over a long period of evolution ; it had certain features which have a historical importance. Therefore what is described here partakes of the nature of a historical record also, and has a permanent value for the students of Indian Administration. Thus a two-fold

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objective has been achieved by the method adopted in this book.

At the same time, in this Introduction a brief reference will be made to some more important changes which have recently occurred in the various departments and administrative set-up.

The first two chapters deal with the Land Systems and Settlements. These are basic to Indian administration and have throughout ages moulded the structure and form of district and state administration. These were further evolved and systemised during the British period as never before, and the great stress which was put on the village invested these two subjects with primary importance. The first chapter describes the land systems as existing at the middle point of this century, that is before extensive land reforms were undertaken by the legislatures of independent India. These reforms continued over a period and while they differed in details, their main objects were to simplify tenures and reduce their number, and to abolish middlemen and establish a direct link between the cultivator and the state. During the British period, the trend of legislation was to secure more and more rights and security to cultivators; the whole process culminated in the abolition of Zamindari soon after Independence. The systems now prevailing in various states of India have been well-described in Government publications. The description given in Chapter I is not only a matter of historical record, which has its own importance, but is essential for understanding how land systems have been shaped in India and how they have influenced the structure of administration.

The present position may be briefly summarised as follows. Zamindari has been abolished all over northern India; in the South there was always ryotwari, but wherever pockets of zamindari existed they have been abolished. It will not be incorrect broadly to say that we have the ryotwari system of land tenure virtually all over the country; all intermediaries have been abolished; the cultivator pays rent direct to Government. But some distinctions among the tenants remain. For example in U.P. there are four classes: Bhumi-dhars, Sirdars, assamees and lessees. Bhumidhars have full heritable and transferable rights; Sirdars have restricted

rights ; assamees are sub-tenants of disabled tenants or tenants of Gram Samaj land ; and lessees are tenants holding land in Government estates or forest land on special terms. In Madhya Pradesh there are three categories : bhumiswamis, tenants and lessees. In some states crop-sharing continues. It may also be noted that though several land reforms measures have been legally passed, not all of them have been effectively and fully enforced and given effect to in actual practice in several parts of the country. Such is the case with land ceilings Acts. Also land reform movement continues.

The settlement described in Chapter II is the most important single item in the land administration of India. Various kinds of settlement have been described in some detail. The permanent settlement has now been abolished. The Government retains the right of making periodic settlements, though after Independence, settlements have been few and far between. During the British period very great importance was attached to settlement operations and settlement volumes which adorn the district collectorate libraries are mines of useful and interesting information. The mode of settlement influenced the structure of administration. This has been brought out in the chapter concerned. It has been shown that in the Ryotwari system there was greater contact between the cultivator and government officials and there was more detailed district administration than in areas under the permanent settlement. As the permanent settlement is now a thing of the past and Zamindari has been abolished, district administration has now also become similar in both areas. But to understand the historical forces shaping administration, it is necessary to have some knowledge of the various types of settlement which prevailed in the country till very recently. In the chapter on settlement are also described the system of relief on occurrence of natural calamities, and the mode of collection of revenue. With the abolition of Zamindari, the system of collection through Lambardars has yielded place to direct payment by the cultivators in the government treasury, though panchayats can engage to collect on behalf of government on a commission basis.

The patwari is a very old functionary and is known as Kanak Pillai in Tamil Nadu, Karnam in Andhra, Shanbhog

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in Karnatak, Talati or Kulkarni in Bombay and Mandal in Assam. In Maharashtra and Gujarat, the Kulkarni has now been abolished ; he was a wattandar, only Talatis remain. In Telengana he is called patwari. In Karnatak the Shanbhog is now called Gram Lekhpal. In Kerala he is now called village officer, the office is no longer hereditary. Chapter III describes his functions and duties as well as the system of land records. Land records, their creation, maintenance and correction are very important items of administration and they have been described in detail. Differences as between Madras, Bombay and the northern parts of India have been brought out. Any student of administration must know these matters well. As a result of recent land reforms there has been some change in the matter of keeping these records ; for example the khewat is gone. But substantially the position remains the same and these records remain important and of primary importance to millions of cultivators. The patwari compiles and sends upwards a member of statistical returns on which are based national statistics ; their importance is obvious.

The functions and duties of the Supervisor Kanungo (or Circle Inspector or Revenue Inspector), Tahsil office Kanungo (or Registrar Kanungo) and District Kanungo (or superintending Kanungo or Sadar Kanungo or Superintendent of Land Records) have been described in Chapter IV. Minor variations in different states have been mentioned, but these are not of basic importance.

The Patwari and the Kanungo are purely revenue officials, though a lot of miscellaneous administrative work falls on their shoulders. With the Tahsildar (or Mamlatdar) begins the chain of officers with revenue, magisterial and executive functions ; the Tahsildar, the Sub-divisional Officer (or the R.D.O.) and the Collector (Dy. Commissioner) may be appropriately called R.M.E. officers. Chapter V describes the duties and functions of the Tahsildar ; his central importance in the administration has been brought out. The Tahsil office is the hub of public business in the Tahsil area and in importance is next only to district collectorate. This, therefore, has been described in some detail and variations in its organisation in major states as well as different designations of officials have

been mentioned. Maharashtra has changed the designation of Mamlatdar to Tahsildar.

As long as the permanent settlement lasted, in those provinces where this operated, there were only two levels of district administration, viz. the District Collector and the sub-divisional officers; there were no Tahsildars, no Kanungos and no Patwaris. The Zamindars kept their own officials. The land and rent disputes between the Zamindar and his tenants which were the concern of revenue courts elsewhere were a matter of civil litigation. Village records were not kept by government officials as in other areas and village statistics were not available as a matter of routine. The revenue administration of Bengal and Bihar is described in Chapter VI. This is now a matter of historical record; with the abolition of Zamindari and the permanent settlement, the position in this area is now more or less similar to that prevailing elsewhere. But this chapter retains its importance as showing how land systems affected administrative structure and how till recently two different types of district administration existed in India. A brief description of the present district set-up in Bengal and Bihar is given later in this Introduction.

The S.D.O. (or Revenue Divisional Officer or Prant officer or Hakim Pargana) is an R.M.E. officer and his functions are described in Chapter VII and minor variations existing in major states have been indicated. His office is also briefly described. The next Chapter describes the variation as it existed in the Punjab. The old Punjab is now gone and there also now prevails the same sub-divisional system as elsewhere. The present district set-up in Punjab and Haryana is described later in this Introduction.

Chapter IX deals with the important office of Collector and District Magistrate (or Dy. Commissioner). The pivotal and central importance of this office in Indian administration has been brought out. His revenue, magisterial and executive functions, duties and powers have been described in detail and some local peculiarities in various major states have been mentioned. The District Collector also assists various departments at the district level in their work and also coordinates their activities. As the local representative of government, he



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has also several duties and functions in relation to local self-governing bodies. As the general and most effective officer in the district, he has been given various miscellaneous duties, like elections and census. Besides these, he has some minor departments at the district level directly under his control. These are Rationing and Civil Supplies, District Soldiers, Sailors and Airmen's Board, Excise and Treasury. These minor departments are dealt with in Chapter X where information is given which may interest the general reader.

It has been stated earlier that the land revenue system has shaped district administration. With the abolition of zamindari in Bengal and Bihar the district set-up has also changed there and now is more or less in line with the set-up elsewhere, though there are some striking differences. In Bihar a sub-division is now divided into a number of development blocks, each under a Block Development Officer (B.D.O.). The B.D.O., apart from functioning as a development officer, also functions as a revenue officer and in that capacity is known as Circle Officer or Anchal Adhikari (He may belong to the Cadre of Sub-Dy. Collectors or Dy. Collectors). He is more or less like Tahsildar as far as revenue functions are concerned. Recently there has been a tendency to separate the functions of B.D.O. and Anchal Adhikari and to appoint separate Anchal Adhikaris, one for two blocks. The Government of Bihar is considering the merger of Dy. Collectors' and Sub-Dy. Collectors' Cadres. There are no deputies or naibs to the Anchal Adhikari.

The line of supervisor kanungos is not strong. There is usually one Circle Inspector in one Anchal; he functions both as a field Kanungo supervising the work of patwaris as well as office Kanungo. Below him are the patwaris called Karmcharis. A Karmchari may have seven to ten villages in his charge. He keeps the map, Khasra and Khatauni and prepares the jinswars. He is virtually like a patwari elsewhere. Thus in Bihar also now the district set-up has five levels.

In Bengal, after the abolition of zamindari, a sub-division was not divided into Tahsils, but the land records department called the Directorate of Land Records and Survey has extended its activities to all villages. (Formerly it dealt only with the Khas Mahals). This Directorate functions under

the overall control of the Board of Revenue and has its own hierarchy reaching upto the village level. At the top is the Director, below him are settlement officers, one for every district ; in every district charge officers are located according to needs. Then there are settlement circle officers, each in-charge of a Circle which is usually coterminus with a block or a thana. Below the Settlement Circle officer are Kanungos and below the latter Amins who are like patwaris. The amins keep map, index to the map, and record of rights. One amin has usually two to three villages in his charge. This is the land records and survey side over which the Collector has no control ; it functions as a separate department by itself. This is a distinguishing feature of the Bengal system. There is another side which is under the Collector and this is the Collection branch. Below the sub-divisional officer are sub-divisional Land Reforms officers and below them are junior Land Reforms officers. A junior Land Reforms officer is in charge of a circle which is coterminus with a block or thana. Below this officer are Revenue Inspectors, two or three to each J.L.R.O. They supervise collection work by Tahsildars and especially see to it that there are no defalcations. Tahsildars (not to be confused with Tahsildars elsewhere) are not government servants ; they are commission agents ; they collect government revenue and get a commission thereon.

Thus the Bengal district set-up has also now reached the village level but below the S.D.O. it is differentiated in two parts, one the land records and survey side and the other the collection side. The former functions directly under a Director and outside the control of the District Collector. Thus in Bengal the district set-up is not as cohesive as elsewhere.

In Assam a sub-division is divided into circles ; and the circle officer (belonging to the cadre of Sub-Dy. Collectors) is the chief revenue officer of the Circle. He is like a Tahsildar. Sometimes the same officer may be designated separately as Circle Officer and Tahsildar and the territorial jurisdiction may differ. Below the Circle Officer are Kanungoes ; there is one Kanungo in every circle called supervisor Kanungo. Below the Kanungo are patwaris who keep maps, Chitthas (Khasra) and jamabandi (record of rights). Patwaris are called Mandals. In

every circle there are one or two additional Sub-Dy. Collectors to assist the circle officer.

The administrative set-up in the hill districts of Assam is different,

In Orissa, the S.D.Os are now resident in their sub-divisions everywhere. A sub-division has usually two to three tahsils, each in charge of a Tahsildar. Tahsildars are magistrates also as elsewhere. The Tahsildar has an office. At the headquarters of a tahsil there are a number of Revenue Supervisors who remain at the headquarters and divide up the tahsil territorially among themselves and look after the maintenance of records and collection of revenue. They are somewhat like Naib Tahsildars. Below them are Revenue Inspectors; they are in charge of circles and look after land records and collections. They are the keepers of records. Each Revenue Inspector has from five to fifteen villages in his charge. He is like the patwari elsewhere. He is assisted by *amins*, *moharris* and peons. There is no lower level than his.

While changes in the district set-up in the states formally under the Bengal system of land tenure were inevitable on abolition of zamindari, the Punjab set-up has also undergone change and has been brought in line with the rest of the country. This change is based on a theoretical consideration, the superiority of the territorial system over the functional system. The change has affected only the sub-divisional level. (There were always five levels of district set-up in the Punjab). All districts have now been divided into sub-divisions, usually one tahsil constituting one sub-division. (In the Punjab there are forty-two tahsils and forty-one sub-divisions). The S.D.O.s are resident in their sub-divisions. There are no *ilqa* magistrates of the old type left. Haryana has now the same set-up as the Punjab.

In Himachal also all districts are sub-divided into sub-divisions; a sub-division comprises one or two tahsils. The S.D.O. is resident in his sub-division.

Nearly in all states the S.D.O.s are now resident in their sub-divisions. In Uttar Pradesh where S.D.Os were non-resident (barring a few residential sub-divisions) orders have been passed by Government that the S.D.O.s should take up residence in their sub-divisions.<sup>1</sup>

The district set-up in other states remains the same as described in this book. Thus recent changes in the district set-up have made for uniformity throughout the country. The Bengal and Punjab variations are gone ; they have passed into history. But their study has got a historical value.

Recently an important development has taken place, vitally affecting the traditional character of district administration ; this is the separation of the executive and judicial functions of the magistrates. The separation has been effected on the basis of a political theory, which is unexceptionable in itself ; but its practical effects on crime, law and order and cohesiveness of district administration have not been deeply considered. The British system of administration divided criminal justice in two parts : the lower part dealing with less serious crime and inflicting limited punishments was entrusted to the District Magistrate and the magistrates on his staff. The other part dealing with serious crime was entrusted to the courts of sessions which could award punishments up to capital sentences. Thus the lower part of criminal justice involving punishment of numerous crimes, together with preventive sections of C.R.P.C. was joined to the functions of the district revenue officers making for an effective district administration. As these officials were touring officers, they kept an eye on rural crime and rural hillies and bad characters, and were aware of the trend of crime in their areas. Thus there was close cooperation between the magistracy and the police. The subordination of the police to the magistracy was complete. This has now changed. The present position may be broadly summarised. The executive magistrates now mainly deal with sections 107, 133, 144, and 145 of the Code of Criminal Procedure and the other sections of the C.R.P.C., all sections of the Indian Penal Code and all other Acts are triable now by the judicial magistrates. In every district there is a Chief Judicial Magistrate ; and at the headquarters in addition to C.J.M. there may be one or more judicial magistrates. In all bigger sub-divisions there is a residential judicial magistrate ; in the South even a taluk may sometimes have a J.M. All these judicial magistrates are under the supervision of the District and Sessions Judge and under the overall control of the High Court.

This is broadly the pattern all over India. Whenever a J.M. is posted at sub-divisional headquarters or at a taluk centre, prosecuting staff is provided. In some states, sub-divisional headquarters have sub-jails, in other states there may or may not be a sub-jail at a sub-divisional headquarters. If there is no sub-jail, there may be a hawalat or arrangements are made for transporting the accused to the court of J.M. from the district jail, or any nearby jail.

This separation of the executive and judicial functions of the magistrates has been a change of substance, and a change brought about by statute. This has adversely affected the effectiveness and compactness of the district administration. The district magistrate is no longer the chief magistrate of the district which he used to be and has lost his many-sided control over the criminal administration of the district. But, statutory change apart, there have been many factors operating in public life which have had their influence on the functioning of district administration. The structure stands as before, but the style of functioning has changed. A study of history will reveal that it happens frequently that the formal structure of administration remains more or less the same, but the administrative behaviour within that structure reverts to past patterns. This has happened in India. While the administrative structure by and large remains the same as set up by the British, the administrative behaviour has reverted to Indian patterns. This behaviour will not be apparent from a knowledge of the formal structure; it is an expression of national character. What has happened is that the structure has not so much broken down as has been re-interpreted; it has assumed new functions in terms of the needs of the indigenous behaviour system. This often happens to all administrative systems which are not wholly indigenous. This has happened to the British system of administration which was not wholly indigenous and whose style of functioning was informed by British values of public life. As there was considerable difference in the pattern of cultural and administrative behaviour of the English and the Indian, the change in the functioning of the administrative system has been considerable. Transfer of institutions, structures, and rules from one milieu to another changes the functional character of these institutions and structures.

This has led some observers to pass the verdict that the old district officer is no more. Mr. N.B. Bonarjee, formerly of the I.C.S., is of the view that the district officer was a British creation and he no longer exists. On the other hand Mr. Phillip Mason, formerly of the I.C.S., holds the view that the district officer is a proud legacy of the British rule and to him the common man still looks up for a just and impartial decision.

Three Chapters have been devoted to the police. Chapter XI deals with departmental organisation and functions, Chapter XII with district police, and Chapter XIII with the relations between the police and the magistracy. After the police, other departments follow. That part of the administration which extends from the Collector to Patwari may be called Revenue and General Administration, and this combined with the police may be called District administration.<sup>2</sup>

But government activity is not confined to district administration; it flows through many channels called departments, and every department has its own hierarchy from the state level, through the regional level to district level, and in some cases even lower down to the field level. Chapters XIV to XXII deal with the major departments of the state government. These are : Jails, Judiciary, Medical and Health, Education, Agriculture, Co-operatives, Animal Husbandry and Veterinary Services, Public Works, Irrigation, Electricity, L.S.G.E.D. and Forest. A department, like the human body, is made up of bones and flesh. The bone is more stable than the flesh. One way of describing a department's set-up could be to describe only the functional structure which is more stable and less liable to change, and leave out the staffing details which are more liable to change. But this would not have produced a concrete, full picture of the set-up. Therefore full details of structure, functions and staffing have been given. This would give to the general reader a living picture of what a department is and how it functions. But to do this, details had to be fixed to a particular point in time. And this point is the middle of the present century. Since then there have been changes in detail but they do not affect the main picture. There have been expansions and staff has considerably increased, but generally speaking, the functional structure remains unaltered. To put the reader up-to-date on this subject, a few remarks on

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certain departments are made below.

The Medical and Public Health Department has undergone great expansion. Though the pattern of organisation and functions substantially remains the same, there have been, and continue, changes in detail and designations. For example, U.P. has now re-organised the District set-up under a Chief Medical Officer (C.M.O.) with three Deputies looking after medicine, health and family planning. But the point to note about this department is its great expansion, and though quality may have fallen, medical relief is now within the reach of a larger number of people than before.

The Education Department has been the subject of the largest number of experiments and these experiments continue with unabated zeal. Commissions and Committees have examined and re-examined not only the organisational set-up and functions but the very purpose and philosophy of education. There have been therefore many changes in the field of organisation and designations. There has been re-organisation of courses as well. Experiments continue, and it is not possible to record their final results and impact. A very big and desirable change may be coming soon ; this aims at re-orienting entire educational system and relating it to employment potentialities ; in other words, making education job-oriented. As there is no end to these experiments and changes, this chapter on Education describes the position as it existed at the middle point of this century ; the general reader is well aware of recent controversies and trends of thought and opinion on the need for change.

The position described in respect of the Agriculture Department is as it was round about the middle of this century. Since then there has been great expansion of the department and while its duties and functions remain the same, greater stress is now laid on them. At the same time a broader organisation to promote agriculture has come into existence under a Development Commissioner or Agricultural Production Commissioner and the Agriculture Department has virtually become a part of it. Many of its field functions are now discharged by the Community Development Department of which Block Development Officers, Assistant Development Officers and Village Level Workers are a part.



The Department of Co-operative Societies has also greatly expanded. Chapter XIX gives basic information about its structure, aims and objects, and functions. For the actual functioning of Co-operative Societies and their achievements and failure, as well as for the magnitude of their activities, annual reports of various states may be consulted.

The Department of Animal Husbandry and Veterinary Services also has greatly expanded and great stress has been laid on improvement of breed of cattle through artificial insemination. A number of artificial insemination centres have been opened at Block Centres.

Chapter XXI deals with the departments of Buildings and Roads, Irrigation, Electricity and Public Health Engineering. While the basic facts given and general principles enunciated hold good, on the organisation side there has been a great expansion after Independence and therefore there has been a great multiplication of staff. But the position as it stood at the middle of the century which has been described in detail will give a concrete picture which substantially remains the same. The Electricity Department has now been converted into an autonomous State Electricity Board. Electricity has now come to play an increasingly larger part in the life of the people and has become the base of agricultural prosperity.

Chapters XXIII to XXVII deal with self-governing local bodies. These bodies constitute an important element in the state administration. Chapter XXIII deals with the organisation and functions of urban and rural councils and governmental control over them. Chapter XXVI deals with Union Boards. After Independence more and more corporations have been created; in U.P. there are five. Similarly more towns have now municipal councils. Great changes have taken place in the rural areas as a result of the Janapada Scheme (Chapter XXV) and the Panchayati Raj (Chapter XXVII). These have been described in detail as they break new ground and are not merely changes of detail or mere expansion of existing departments. Janapadas were launched in Madhya Pradesh by an Act of 1948. In other states also a hierarchy of Panchayati Raj institutions was set up with a Zila Parishad at the top and below it Block Development Councils (Khetriya



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Samitis) and below them expanded panchayats. In this new scheme of wide legislative reforms, the lead was given by U.P. which enacted a Panchayat Raj Act; other states followed. The essence of the scheme was to link local representatives of the people with welfare and developmental activities. Chapter XXVII deals with panchayats, old and new, in considerable detail in view of their importance. Increased powers and functions of Nyaya Panchayats have been described. Official machinery provided to panchayati raj institutions has been mentioned. Different opinions are held about the efficiency and performance of these institutions, but it cannot be denied that they have created and maintain a democratic climate at the base. Chapter XXIV contains some general reflections and observations on local self-government which should interest both the student of local self-government as well as the general reader. The Union Boards in Bengal were superseded in 1956 and under the West Bengal Panchayat Act, 1957, a three tier system was envisaged, and elections were held under it. But all these bodies were superseded by 1971. Now under the W.B. Panchayat Act of 1973 a two tier system is envisaged but elections have not so far been held. The local self-government set-up is still under experiment, though a broad system has emerged; it is the three tier system, the Zila Parishad, Khettriya Samiti and the Gram Panchayat. Designations of these bodies differ in different states and there are variations in matter of areas of jurisdiction, functions and powers. In some states there are no zilla parishads. But the prevailing pattern is the same.

At the apex of the Revenue and General Administration, which has the pride of place in Indian administration, is the Board of Revenue. It functions more like a subordinate government than an ordinary department and has its own secretariat. It has not always been possible for politicians to appreciate the concept of a Board of Revenue and it has been under attack. Its functions have in some states undergone some changes. These changes have been mentioned in Chapter XXVIII which deals with the Board of Revenue (or Financial Commissioners). The same Chapter deals with the Divisional Commissioners. Though they are mainly regional officers of the Revenue and General department yet they are more than

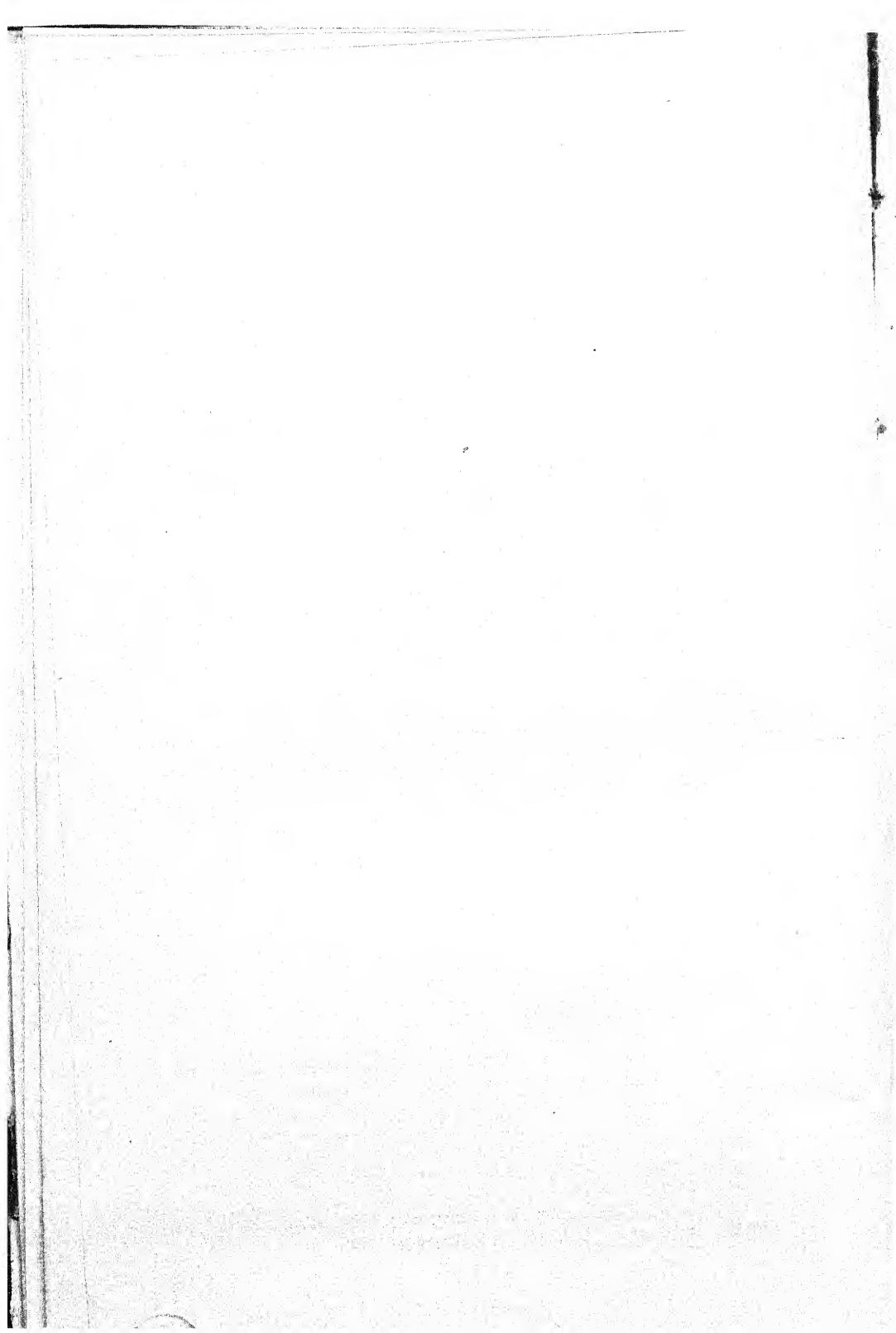
that. They deal with local self-governing bodies and are responsible for developmental activities. Indeed in their divisions they represent the combined authority of government and coordinate the work of other departments. They have both administrative and judicial functions. The need of this office also has come under scrutiny. In some states Commissioners were abolished ; elsewhere their functions were modified and numbers reduced. But their need was later realised and they have been revived. These changes have been noted in the chapter dealing with the Divisional Commissioners.

The district administration and the various departments function under the state government. Chapter XXIX deals with the state government and state secretariat. This is at the apex of the state administration. The chapter describes the organisation and functions of the state secretariat and its procedure of work. The chapter ends with a discussion of the controversial subject whether a generalist should be secretary to government or a technical head of department should be promoted to that post.

Thus, this book is both history and at the same time a guide to present-day administration. It will be found interesting and informative by the general reader and specially useful by the student of public administration.

#### FOOTNOTES

1. For a comprehensive discussion of residential sub-divisions see the report of the Committee on Residential Sub-divisions, U.P. (1970) where the subject is discussed in an all-India perspective. The Committee did not recommend a whole-sale creation of residential sub-divisions in U.P. but suggested a selective approach and recommended the creation of a limited number of residential sub-divisions in addition to the existing ones.
2. For the changing position of the Collector see the *Indian Journal of Public Administration*, Vol. XI, no. 3, July-Sept. 1965.



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## *Land Systems*

It is impossible to understand Indian administration, much less the district administration, without knowing something of land systems, that is to say, systems which govern the rights of the Government to land revenue and the rights of various classes of people to the land. The subject does not easily admit of a summarized account for not only there are literally hundreds of such systems in India but also because of the various ramifications and complexities involved in most of these systems. Even such an eminent revenue authority as Holt Mackenzie, whose name is famous in connection with the settlement of the North-West Provinces (now U.P.), said that he had been studying land tenures all his life without understanding them. Any simplification of these systems leads to an over-simplification and the reader is likely to miss the actual concrete picture. Nevertheless, an attempt must be made to present a simplified account of the main system under which land is held by various classes of people and revenue is realized by Government. A major portion of the time of district officials is spent in administering these systems ; but their importance is more than this ; the systems have affected the very structure, content and functioning of Indian administration from

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province to province and indeed sometimes from one place to another place in the same province.

Land systems are very numerous and in nature they range from the most simple to the most complex. For example the Jhum cultivation in Assam is a very simple system. In the hills of Assam the land revenue is determined with reference to the instruments used for cultivation such as Dao, Hoe, etc., and is not based on the area of the land. Even in a small province like Orissa there would be found hundreds of land systems which admit of no easy classification. Suffice it to say that the land systems are the product of history, geography, climate and local conditions and, therefore, they are so numerous and show such variety. In every State there are a number of systems and even in, what may be considered, one system there are so many varieties as to make a casual observer think that the varieties of a system are different systems themselves. Differences exist not only within a State but even within a district.

With these reservations it is possible broadly to classify the main systems as prevailing in the greater parts of India. These systems, while maintaining a continuity of basic character and nature, were not introduced readymade and have undergone modifications during the last 150 years for which period roughly they have been existing. During the recent few years fundamental changes are coming which might obliterate or at least do away to a great extent with the features that distinguish one system from another. But before these are described it is useful to deal with the traditional systems for they have not been completely changed even now and have influenced the structure of administration.

Legally speaking there are two systems—the zamindari and raiyatwari; but for a better understanding of the actual position it is useful to distinguish three systems : zamindari; raiyatwari ; and village system of land tenure.

The zamindari system was created by the Permanent Settlement of Bengal in Bengal, Bihar, parts of Orissa, parts of Madras and a few places elsewhere. In this system there is a middleman between the Government and the actual cultivator ; this middleman "holds the settlement" and is the proprietor of the land and exercises all rights of private property with respect to that land. He pays the land revenue to the

Government as fixed by the Permanent Settlement, and lets out his land to cultivators and realizes rent from them. He may have home farms as well where he may cultivate himself or get it done by his servants. Thus in this system the proprietor and the actual cultivator are different persons ; cultivators are small peasants while the zamindar is a big proprietor ; there is no direct relationship between the Government and its officials on the one hand and the actual cultivators on the other, and there is distinction between revenue and rent.

Under the raiyatwari system the cultivator is the proprietor of the plot which he cultivates (occupant as he is called), and pays the revenue direct to Government ; no middleman intervenes and there is no distinction between rent and revenue, the two are the same. This system prevails in over 2/3rds of the Madras State, in the State of Bombay, Berar and major portion of the plain districts in Assam.

Under the village system of land tenure, villages are treated as units themselves ; settlement is made with the village body as a whole through their headman and the ownership of property is joint. Though each co-sharer has his own share of cultivation and the share of the land revenue which he must pay to the Government, the responsibility for paying land revenue is both joint and individual, and unless the village be partitioned the management of the tenants is also joint through the headman called the *lambardar*. Not every one in the village is a co-sharer, the village body being composed of actual cultivators who were considered to have proprietary right of land at the time of Settlement. This system prevails in the major parts of U. P., and Punjab. The *malguzari* system of M.P. is merely a variation of this system. During the Marhatta period *malguzars* were farmers of revenue and they were mistaken for proprietors by the earlier settlement officers and settlement was made with them but soon the mistake was found and the actual cultivators were protected and so the actual system was not very different from that of U.P.

This is a brief description of three systems, but under all the three systems of land tenure there evolved in course of time various interests in land widely differing from province to province and even from district to district, giving rise to a very

complex relationship among various classes of people having various degrees of interests in land.

Every system is largely an inheritance from the past and every new system was forced to build on the foundations left by its predecessor. No system could be written on a clean slate ; there were always rights existing in land even though they might be complex in nature and very numerous and even though the promoters of the new system may not have had a proper understanding of them. But the evolution of these systems also depended to some extent on the early knowledge of land tenures in India which the East India Company officials managed to gather and also the administrative machinery which existed at that time. The East India Company officials started with a poor knowledge of the rights in land that existed then and the administrative machinery which they had to gather information and organize land systems was very inadequate. The fundamental fact, however, which determines the nature of the land system is the constitution of the village ; and after having made a mistake in Bengal, the Company officials elsewhere proceeded very carefully and understood better the constitution of a village. They shaped the later systems, that is to say, the raiyatwari and the village system of land tenure according to the constitution of the villages in respective areas. In Bengal owing to the extensive farming system which had entrenched itself for over a century the village tenure was comparatively of little importance ; and whatever importance it had was overshadowed by the tenure of the great landlords created by the Permanent Settlement. In the Bihar districts the villages were more like U.P. villages, but as Bihar formed part of the province of Bengal it came under the operation of the Permanent Settlement. Elsewhere there were two types of villages—one raiyatwari type and the other the joint or the landlord village. The raiyatwari village is an aggregate of cultivators who have no claim as a joint body to the whole estate which is in the joint village ; they might divide among themselves on their own principles ; neither, therefore, they acknowledge any joint liability for the land revenue. Every person owns his own holdings which he might have cleared from the original jungle (Cf. *Manu*) or might have inherited or bought. He has some rights of grazing and woodcutting in the surrounding lands, but

there is no joint ownership of waste land ; this belongs to Government who may let it out for revenue or alienate it for some other purpose. The village has, of course, a headman who collects revenue on behalf of Government for consideration of a commission and he together with other village officials like the village accountant discharges some administrative functions. The joint village is held by a body of proprietors who descended from a single family or got proprietary right in the land through other means like conquest, purchase or grant, etc. They jointly owned the village including the site occupied by houses, tanks, graveyards and grazing grounds, etc. Thus they jointly claim the entire area of the village both the cultivated land and the waste. They may cultivate themselves in which case the land will be their *sir* or *khudkast* but some land may be rented to tenants in which case the rents will be divided. Income from the waste land will also be divided, *e.g.*, profits from grazing, sale of grass or fruits or fisheries, etc. Not every one in the village is a proprietor, there are tenants as mentioned above ; there are landless labourers ; and there are village artisans and servants. Such a village may get partitioned, the partition being perfect or imperfect ; and in the course of time the position may in point of fact resemble to some extent the position under *raiyyatwari*. Partitions will break the joint responsibility of the village and confine this responsibility to a smaller area. Even waste land may get divided. Baden Powell, who has made a very deep study of the subject, is of the opinion that the joint village is not necessarily the earlier form of the *raiyyatwari* village ; and he regards the *raiyyatwari* village as more Indian in character. According to him the joint village arises out of various historic causes. A ruler may have been in the beginning only a universal overlord taking revenue from actual cultivators but when his estate gets dismembered or grants are made to younger members of the family or courtiers or favourites these latter get very near to the village and claim actual proprietorship of the village, collect rents from the cultivators and pay revenue to the overlord. New persons may buy villages and in course of time their descendants may constitute the proprietary body pushing down the cultivators to the status of tenants. The same has happened in history with Government revenue officials who have in



due course become proprietors, their descendents constituting proprietary body in course of time. The original and true type of joint village may be considered as one which was established by a clan or a family by clearing the jungle and establishing the village. Thus a joint village changes its complexion from time to time by usurpations, successive conquests, dismemberment of estates, grants, the farming systems and sales, etc., and is not so unchangeable as is sometimes imagined. The joint village is found in U.P., Punjab and M.P. while the raiyatwari village is found in Madras and Bombay and Berar. The joint village in M.P. is, however, a creation of the Settlement for in its true nature it was more like a raiyatwari village. In the raiyatwari village each field or holding is separately assessed to revenue, there is a khetwar settlement ; and every holder or occupant is responsible for the revenue of his holding and for nobody else's. The villagers are provided with certain facilities of grazing and woodcutting but generally the waste and unoccupied lands belong to Government (in Madras called Peramboke). Government may let them out and assess them. In the joint village the entire village (or more correctly the Mahal) is the unit of assessment. The waste belongs to the village ; the landlord body are jointly and severally responsible for payment of revenue, though the several co-sharers have their own plots which they cultivate on their own. Common expenses of the village are shared. The *lambardar*, one of the members of the proprietary body, manages the tenants, collects the rent, pays the revenue and gets a commission and divides up the profits with the co-sharers.

Now the three systems may be analysed in some detail. Regulation I of 1793 created the Permanent Settlement of Bengal. It extended over the area now comprised in the States of Bengal, Bihar and part of Orissa. In 1802 in a portion of Madras the Permanent Settlement was extended. The main features were two which it was not necessary to combine. The first feature was that the zamindars were declared proprietors of area over which their land revenue collection extended subject to the payment of land revenue and to the liability to have their land sold for failure of payment. The second feature was that the assessment fixed on the land was declared to be unalterable for ever and the Government guaranteed that this

assessment would not be raised. The following questions arise :

1. Who were these zamindars with whom Settlement was made ?
2. Why was it declared to be Permanent ?
3. How was the assessment made ?
4. What was the policy of the Government towards cultivators ?

It was an unfortunate coincidence that the East India Company officials gained their first revenue experience in Bengal where the farming system was rampant in its worst form. Thus the decadent Mughal-revenue system was the direct cause of the growth of the zamindari system for it provided a basic condition. Earlier attempts by the Company to bypass these zamindars had failed. The Mughal empire had followed the practice of assigning jagirs which went with office and were for life-time ; but later these jagirs were renewed from generation to generation and as the jagirdar conducted the revenue administration in the area and acquired right to unoccupied and waste land in his jagir and could also oust cultivators who would not pay their dues, he became in due course of time indistinguishable from a landlord. Thus the later-time officials assumed the character of landlords. Sometimes jagirs were given with the express object of bringing waste land under cultivation and in this case also the grantee became indistinguishable from the landlord. Apart from these there were old ruling families who had divided up land in course of time and their successors had come very close to the village and instead of being the ruling power they became proprietors reducing the old proprietors to a lower level (that is how tenures arise). Then there were persons to whom grants of villages had been made for specific purposes. Later, persons got rights to such positions by purchase. As Mughal authority declined all these persons became more and more independent and began to manage lands under them in their own right ; they would let out land and oust tenants ; and sometimes even sell their rights. In due course from whatever source drawn all these persons came to be looked upon as Zamindars. Sanads renewed the grants or renewed the existing position in the family. After some time the actual position was so strong

that even sanads were not necessary. These persons began to exercise all the rights of private owner, not to speak of certain administrative functions. Thus there were several degrees of interests in land when the East India Company officials were faced with the problem of evolving a land system. But this was not the only consideration why the zamindars were recognized as proprietors. Deliberate policy of Lord Cornwallis fell in line with facts. Though the political considerations that the landed gentry would keep peace and would ensure loyalty to Government were not proved to be true by the experience of the Mutiny, yet these considerations influenced Lord Cornwallis. He sincerely thought that this system would, by ensuring security of tenure, encourage zamindars to increase cultivation, manage their lands better and that they would also live well and spend in luxuries thus contributing to the increase in customs, duties, etc. These two causes combined with inadequacy of revenue machinery and lack of information regarding revenue matters brought about the Permanent Settlement.

While the system failed to realize the good expected of it and was based on ignoring the rights of cultivators, it was made worse by being declared Permanent and thus the State (or rather the public) was deprived for ever of the increase in revenues which could justly be expected from the increase in the landlord's income. The Simon Commission Report says : "There is land in the city of Calcutta, the owner of which pays land revenue a little over a quarter of a rupee per acre, although the annual value of land runs into thousands of rupees. Most of the up-country towns in Bengal are built upon the permanently settled land, which, thanks to the Settlement of 1793, escapes any increased land revenue and pays only a fraction of a rupee per acre. There are large areas which in 1793 were not under cultivation at all and today are producing valuable crops of jute. The owners of these portions of land pay practically no land revenue and claim that they can never be required to do so. One result of this is that the districts near Calcutta which were fully developed 130 years ago contribute much more by way of land revenue than some far bigger and far richer districts in remoter parts of Bengal." Sir John Shore, who advocated the Zamindari settlement, was opposed to this

being made permanent ; but Lord Cornwallis justified Permanent Settlement on the ground that this would tend to give a sense of security to the zamindars. The whole question was being considered from the point of view of private property and Lord Cornwallis was of opinion that it would be better not to qualify this policy by making the settlement temporary.

The assessment of estates was based on no survey and on enquiry either as to what was the value of the estate or what its produce was or even what the rents were as paid by the cultivators to the zamindars. In fact, Lord Cornwallis forbade internal scrutiny. The assessment was based only on old accounts of lump assessments under former rulers which were roughly adjusted with reference to consolidation of separate items and abolition of objectionable ones. This was what was done in Bengal and Orissa but in case of Bihar accounts were not forthcoming and, therefore, the assessment was based on the average produce of land in any ordinary year which would give a fair and equitable assessment. In theory, however, the demand of revenue represented 9/10ths of what the zamindar received in rent from his cultivators ; the remaining 10th was the zamindar's share. In the beginning this demand pressed heavily on the zamindars and many zamindars were broken and many new zamindars got into possession of zamindari through the operation of the Sale Laws ; but later as waste land, which was considered part of the estates, was cultivated, valuable crops were grown and with the law and order situation improving, the value of these properties quickly went up and the private income of zamindars increased greatly resulting, however, in no benefit to the public exchequer.

From what has been said about the growth of a zamindari village it would be obvious that the revenue administration cannot be complete merely by acknowledging one proprietor because there are various layers and various degrees of interests in land held by various persons or various classes. When a new body displaced old proprietors it may reduce them to the status of mere tenants ; or if the older body has already in its time displaced former proprietors to the status of tenants, then this body occupies some intermediate position between the proprietor and the tenant. These varying positions intermediate between proprietor and tenant are known in Bengal by

the word 'tenures'. There are a large number of tenure holders in Bengal. Tenants also had rights of varying degrees and of various kinds, some holding their land before the zamindar was declared a proprietor; such tenants were not contract tenants, that is to say, tenants by virtue of zamindar's patta. Lord Cornwallis was aware of this position and, therefore, Regulation I of 1793 (Section 8 clause I) laid down that it was the duty of the Ruling Power to protect all classes; that the Governor-General in Council would, whenever he deemed it proper, enact such regulations as he thought necessary for the protection and welfare of the dependent talukdars, raiyats and the other cultivators of the soil; and that no zamindar would be entitled to make any objection on this ground to the payment of land revenue to which he had been assessed. Officials of the Company were conscious of the need of protecting interests in land other than those of zamindars; and, as just mentioned, authority for legislation existed. But in point of fact nothing effective was done. The first few enactments proved futile and ineffective and it was not until Act X of 1859 that some relief was afforded to the tenants. Then came the famous Act VIII of 1885. There has been a long succession of legislative measures to confer protection on tenants down to the present day so that by the late forties of this century the tenant was secure in his holding, could not be ejected except for failure to pay rent, his rent could not unreasonably be enhanced, and he was entitled to the benefits of improvements and the tenancy was inherited. But a detailed description of these rights is not possible for there are numerous classes of tenants and different kinds of rights attach to different classes. The local names of tenants as well as of tenure holders are many and are matters of local detail but a very brief description may be given of the existing position.

First are the proprietors. The zamindar is the proprietor but there are other proprietary interests which may be called subordinate interests such as talukdars. Then come the tenure holders. A very large class of land interests in Bengal is represented by the tenure holders; they stand between the proprietor and the tenant; and in some districts the subinfeudation has grown so much that there may be as many as 50 or even more intermediate interests between the zamindar and the actual

cultivator. These tenure holders always have rights less than those of a proprietor and more than those of a mere tenant ; though there are so many differences in the rights of various classes of tenants that some tenants in matters of right may be equal to some classes of the tenure holders. These tenure holders have arisen from various causes. Some represent relics of former proprietary rights ; another group may arise from the act of the zamindar who farmed out lands to people so that they might develop his estate and yet the zamindar may not have the trouble of direct management. This tenure holder may develop land so much (it is to be remembered that in the beginning there was much waste land comprised in many zamindari estates) that he in turn may create another tenure holder of his own kind and so on. Such tenure holders are known as *Patnidars* and, of course, there are *Dar-patnidars* and so on.

There are various kinds of tenants and there are also sub-tenants called under-raiyats. There are various kinds of tenants and various types of raiyats attached to each class. The main classifications are tenants at fixed rates, occupancy tenants and non-occupancy tenants. As stated before by the late forties of this century the tenants had got very secure in their position and in their rights and even the sub-tenants, on the basis of the length of their occupancy, had acquired certain rights.

As regards varying kinds of interests and the gradation thereof in the same land, there is little to be said about the raiyatwari areas. There are not many interests in the same land as happens in zamindari areas. The actual cultivator is also the proprietor ; pays revenue to Government ; the holdings are inherited by Personal Law and the holder of the survey number (as he is called) is at liberty to exercise his rights of private property with regard to his holdings. It may be noted, however, that tenants are not uncommon ; for some of the raiyats let out their lands to tenants ; the protection of tenants in raiyatwari areas, however, has not been considered a very serious problem because the bulk of the cultivators are owners. For this reason the tenant in raiyatwari areas has remained much less protected than in zamindari areas.

In Madras the village headman is a purely government

official. He is not proprietor of the village but collects revenue from cultivator-owners on behalf of Government. In the early days there was an attempt to discover a proprietor in the headman but these attempts failed. The headman, of course, exercises certain administrative functions also and may have some lands in lieu of this service. While some land is given to some villagers for grazing purposes and for some other needs, waste land belongs to Government who let it out to cultivators; residential sites are owned by individuals. In Madras, the headman is commonly called Maniakaran or Monigar, Potel, Naidu, Pettendar, Reddy, Peddakappu, Nattamaigar or Adigari. In Bombay and Berar the village headman is called Patel. His functions are the same and he also enjoys certain official dignity and rights to *Manpan*. All over India there are certain lands held by families in lieu of some service, e.g., village officials and village servants may hold such lands either free of revenue or at concessional rates. There are some grants which are made for religious (*debottars*) purposes or other services. In Bombay and Berar this feature is very prominent and is known as the system of *wattandars*. All village officials and all village servants were *wattandars*, that is to say, they held some land in lieu of service; the *wattan* was hereditary to the family as also the right to service. Recent legislation has abolished most of these *wattans* and made other arrangements for remunerating the services.

Sir Thomas Munro may be considered the father of '*raiyyatwari*' system. In Madras it was the Permanent Settlement that was ordered to be made but through the action and advocacy of the civil servants of the Company a totally different kind of Settlement emerged, viz., the *raiyyatwari* system. Though the Permanent Settlement has come in for criticism from so many quarters, it is interesting to note that as late as 1862 the introduction of Permanent Settlement in all parts of India was seriously contemplated and it was only in 1883 that the proposal was finally abandoned. Sir Thomas Munro advocated the surveying of the districts, making a khetwar assessment and dealing with the individual village land holders. This new system was based on a new discovery, the discovery of a *raiyyatwari* village; it was based on a new theory of proprietorship which corresponded to facts, the theory being that every occupier was the



proprietor. This theory is brought out with full force in the minute of Sir Charles Metcalfe dated the 7th November 1830. The following extract is given here :

"The reason assigned for the opinion that the principle of the Munro settlement is inapplicable to the provinces under this Government is that 'the business of settlement-making here is to fix the portion of the existing rents that is to be taken as Revenue, not to assess the rents to be paid by cultivators'.

"In opposition to this opinion, I should say that the business of settlement-making in the provinces under this Government, as well as those of Madras, must be to ascertain what Revenue or rent, whichever term may be preferred, the right of Government will yield from the lands to be assessed. That being ascertained, what portion of that right, whether the whole, or only the greater part, shall be assessed as the Government demand ; what portion shall be relinquished, and in whose favour : these are all points for the exercise of consideration and discretion ; but the acknowledged basis of every Revenue settlement in India is the right of the Government to a certain share of the gross produce of every inch of cultivated land.

"Although the share to which the Government is entitled may differ in different parts, there is even in this respect wonderful general uniformity throughout India. The share may be diminished by deductions authorized by the Government, or may be entirely or partially alienated by grant ; it may be commuted for a money payment with greater or less rigour or liberty, under engagements more or less extended for a series of years, or even for perpetuity ; but the ground work of the Land Revenue of every State in India is the right of Government to a share of the gross produce of all cultivation.

"In making, therefore, a settlement for any unsettled lands, the first step is to ascertain the amount which the acknowledged right of Government will yield. This can only be done completely by the survey and measurement of every field. Settlements may be made with more or less attention to minute information, but the basis of the *ryotwar* settlement, and of every other settlement, must be the same ; and without the minute information required by the *ryotwar* settlement, no assessment can be relied on as securing what the Government has a right or is satisfied to take, without the danger of



over-assessment. To prevent the latter, without sacrificing the former to an unknown extent, must require the most minute information. Settlements have been made, and may be tolerably made, without such minute investigation, no more general information, but such must be devoid of certainty; and hence it is that there are so many instances of over and under-assessment in most of the settlements formed in any of our provinces.

“The gentlemen composing the detached branch of the Revenue Board state that the notion, if ever entertained, of the applicability of the Madras *ryotwar*, or *ketwar*, or field settlement, to the unsettled provinces under this Government, ‘must have arisen from the difference in the state of property in land here and at Madras not having been distinctly seen and appreciated.’ I would ask, what is this difference. If it exists, it ought to be distinctly explained. If it can be clearly described, those who are sensible of it will render an important service by showing in what it consists. I acknowledge that I am not aware of its existence. Without having any reason to presume that I know much, from what little I do know or suppose of the state of property here at Madras, I believe it to be much the same in all parts of our territories, and all parts of India. Everywhere the state of property seems to consist in the right of possession and use, subject to the payment of a fixed portion of the gross produce as revenue to Government. This Revenue may wholly or in part be alienated by a grant of the Government for a period, or nominally in perpetuity. Hence there is a great deal of land not paying any Revenue; but these grants do not affect the question. They are avowedly alienations of the public Revenue, partial or entire, temporary or permanent, as the case may be. It is not to such grants that the members of the Board allude when they speak of the state of property, for there are fewer of them in proportion under the British system of rule than under any native state, and fewer I believe under this Presidency than under those of Madras and Bombay.

“Neither can they mean to refer to the state of property produced by the permanent settlement in Bengal, because that has no concern with the matter under discussion; nor can they have in contemplation the subversion of property occasioned

by sales of land for arrears of Revenue under our Regulations. in the Western Provinces, because we have been striving for years to remedy that injustice. What they do mean by the alleged difference in the state of property under this Presidency and in the Madras Province, I am at a loss to conjecture.

"In pursuance of the same argument, they observe : 'The Government of Bengal has never, we believe, pretended to a right to make anywhere a *ketwar* settlement, which Sir Thomas Munro's essentially is, whatever name may be applied to it.' I should say that every settlement made by the Bengal Government is professedly, and to be correct, must be really founded on a *ketwar* or field assessment. I do not except the Bengal Permanent Settlement, which, if it pretended to any accuracy, must have been founded on the same basis. Settlements may be made in neglect and ignorance of the requisite information; so much the worse : but that does not affect the principle. I hold that the Bengal Government in every assessment of Land Revenue asserts and exercises, barring the neglect of subordinate officers, the right to make a *ketwar* or field settlement.

"The argument used against this mode of settlement implies that more is exacted by it than in the settlement made by the Bengal Government, but there is no more necessity for exactions in a field settlement than in any other ; there is less likelihood of it. Having ascertained what the right of Government is from each field, the Government may relinquish as much of that as it thinks fit, and with the greater satisfaction and benefit, because what it does relinquish is more sure in that case to remain with those who are best entitled to it. The average of the Revenue or rent received by Government in the Madras *ryotwar* or *ketwar* settlement is one-fourth of the gross produce. What settlement under the Bengal Government professes to establish a lighter assessment ?

"The gentlemen of the Board further remark, with reference to settlements under the Bengal Government : 'A right of property in land existing independently of a right of occupancy, the Government of Bengal has limited its measures hitherto in regard to settlements, and must still do so, we apprehend, as far as Revenue alone is concerned, to ascertaining what rents are actually paid, and adjusting its demand on the proprietors by their aggregate amount. This is an operation

totally distinct from that which engaged the attention of the principal collector of the Madras Ceded Districts, in which no right of property in the soil distinct from that of occupancy existed'.

"With respect to the right of property in the soil, I am inclined to believe, as before observed, that it is much the same generally throughout India, and that it existed in the Ceded Districts as well as elsewhere, but it is everywhere saddled with the payment of a large portion of the produce to Government, and all right ceases for the time if this be not paid. I speak of the acknowledged law or custom of India, not of any artificial distinctions that our Regulations may have created.

"With regard to the principle of settlement indicated by the gentlemen of the Board, as that has hitherto regulated and must always regulate the measures of the Government of this Presidency, it appears to me to be vague and indefinite. It is described as 'ascertaining what rents are actually paid, and adjusting the demand on the proprietors by their aggregate amount.' What the rents are, what proprietors are meant, and what portion of the rents is the right of Government as Revenue, are points not stated, but very essential to be known, in order to comprehend the system propounded.

"By cultivators who cultivate in the lands of a village without having any right of property in the soil, it might not be difficult to ascertain what rents are paid ; but where, as is frequently, if not generally, the case, the mass of the only persons who can justly be called proprietors are the actual cultivators, and pay rent to no one, unless the share of the produce to which the Government is entitled be so termed, how are the rents actually paid to be then ascertained, and how is the Revenue of Government then to be adjusted on that plan.

"What is the right of Government on that plan. Is it definite or indefinite. Is it a fixed portion of the supposed rents, or an arbitrary one at the discretion of the assessing officer. Any villager in any village throughout in India, I mean of course generally, can tell what share of the produce of the land belongs to the Government. This is an acknowledged

understood right, differing probably as to amount in different parts, and in the same parts differing according to circumstances, but well known to all the cultivators as the right or share of the Government, whatever the local usage may be as to amount. If, on the other hand, the question were put as to what share of the rent paid to the proprietor is the right of Government as Revenue, I do not believe that it could be answered by any one, from the lowest cultivator to the senior member of the Board of Revenue, because such a mode of settling the demand of Government is unknown in the Revenue system of India, and has not, as far as I am aware, been established by our Government: whether it be now for the first time propounded by the members of the Revenue Board in the Western Provinces, or be derived from any other authority, if such a system is to become the established system of Revenue settlements, it is most necessary to determine, if that has not already been done, what portion of the supposed rents is the proper Revenue of Government, because on that must our future revenue depend.

"If I am not mistaken, when the permanent settlement of Bengal took place, it was formed on the basis of our receiving nine or ten parts of what I should call, according to Indian notions, the Government share of the produce, and what others may perhaps call the rents; leaving the 10th or 11th part to the person whom we choose to dub proprietor. If that is what is meant by adjusting the demand on the proprietors by the aggregate amount of the rents, it seems to be much the same process as taking the Government share, and allowing 10 per cent deduction, which is not uncommon in village settlements, the percentage differing according to circumstances. If the whole rent or Government share does not properly belong to Government as its acknowledged Revenue, subject to certain deductions customary in Indian Revenue Settlements, it would be rather an exorbitant adjustment of Revenue to take 9/10th or 10/11th of the proprietor's rent.

"I am surprised that the inconsistency of the proceeding with the terms used does not deter every one from the use of our English designations. What mind purely English can connect the idea of a proprietor of land with that of a person following the plough, who pays one-half of his gross produce

to Government? Yet in India these two characters are the same. Great confusion of ideas might be produced by the misapplication of English terms, which is common in our official Revenue language. We talk of estates, when we mean villages, and of proprietors, when we ought to speak of village communities, and make a jumble between Revenue and Rent, when the plain intelligible thing to be ascertained is the Government share of the produce.

"My proposition is that the system of Indian Land Revenue does not admit between the Government and the cultivator any proprietor competent to intercept and appropriate the Government share of the produce. Property in the land exists, but not to the extent of depriving the Government of its share of the produce, unless this be conferred in gift by a positive grant. The Government may interpose persons to collect its share, such as the heads of village communities, to whom a percentage or commission may be allowed for their services, or farmers, who pay an equivalent to Government by contract, collecting the Government share for their own use. But whoever the persons interposed may be, what he collects is the Government share, or its supposed equivalent.

"The relative rights of the Government and the Board's proprietors may in some respects be easily exemplified. There is not a village in the Western Provinces, in which Revenue is assessed, that the Government might not give away in jagheer tomorrow, either for one or more lives, or in perpetuity. But what would it give away? Its own share of the produce. It would not give away one jot of the rights of the proprietors. The property, such as it is, would remain in the same hands, and the jagheerdar could not lawfully touch it, but he might interfere actively in the management of the village cultivation, exact the Government share to the utmost, and insist on the extension of cultivation if he could procure cultivators.

"In making, therefore, what is nominally a grant of land, the Government in reality grants, not the land itself, but the State Revenue leviable in that land, or the Government share of the produce. It might be said that in some instances the grants of Government go further; and grants of millik, enaum, &c. might be adduced in support of that view. Even those grants are not without some reservation of the previous rights of

property ; but that is altogether a separate question, into which it is not necessary at present to enter. The existence of such grants, as far as they are connected with the present subject, must tell in favour of the rights of Government.

"The state of property and the rights of Government, as I have described them, are such as exist generally over all India ; in our own provinces not absorbed in the permanent settlement, in those of Madras, in those of Bombay, and in all foreign territories. I speak generally, judging from what I have seen in various parts of India, and do not mean to question the existence of peculiar customs in particular districts.

"Many doubtless would exclaim that such a system of Revenue is quite unworthy of an enlightened Government. It may be so, but I would earnestly recommend that it be not subverted until something manifestly and undoubtedly better can be substituted. We have tried one granted experiment in the permanent settlement of Bengal, and I cannot discern any benefit in its results that ought to induce us to repeat it. To change, for such I consider it, which the gentlemen of the Revenue Board advocate, I object, because it has not been sufficiently explained, is at present apparently indefinite, and renders that complex which is in itself clear and simple ; moreover, if carried to any great extent in practice, it would be attended with an insupportable loss of Revenue.

"I hope that in maintaining that a share of the produce is the acknowledged right of Government, and that the assertion of this right is the proper basis of every settlement, I shall not be misunderstood to argue in favour of heavy assessments ; although I am not an advocate for a wanton abandonment of Revenue, still less for throwing it away on those who have no pretensions to it, no one can be more sensible than I am of the folly and ruinous consequences to the Government, as well as the people, of overassessment. It is only by light assessments that the people can be advanced in prosperity, and the Revenue of Government increased but in adhering to the same basis of settlement that exists throughout India, which is alike the basis of the Madras *ryotwar* settlement and of the Bengal permanent settlement, there is nothing to prevent the utmost liberality that can safely be afforded. The Government may relinquish any portion of its right, and grant that portion to any class or any



individuals ; it may, if it chooses, create a new class of proprietors for the purpose of receiving this rejected portion of Revenue. I cannot perceive the utility of such a proceeding, but if it is thought desirable, there is nothing to prevent it in assuming the acknowledged right of Government as the basis of settlement. Government, however, can only sacrifice its own rights ; it has no right to sacrifice those of others. It may give up any portion of its own Revenue, but it cannot justly create proprietors of the property of others. This, nevertheless, was practically done in the permanent settlement of Bengal, in which we not only sacrificed the prospective rights of Government for ever, but, by declaring those to be proprietors who were not proprietors, we in effect destroyed the rights of all the proprietors, and cultivators, or their pretended proprietors, although such an effect does not appear to have been designed.

"I am afraid that there is similar mischief unintentionally lurking in the plans of the gentlemen of the Revenue Board, regarding their proprietors. There is no point on which we ought to be more careful than as to the acknowledgement of pretended proprietors in the Western Provinces, other than the real members of the village communities. There is reason to suppose that in many a village, where the real proprietors were once numerous, some upstart fellow has acquired, without right, or by fraud, an ostensible pre-eminence, and now pretends to be sole proprietor. In any settlement more precise and determinate than those heretofore made, it will be necessary to be most cautious not to sacrifice the proprietary rights, such as they are, of the numerous proprietors of villages, to the pretensions of one or a few who may have brought themselves more into notice, and obtained predominance, whether by fair means or by foul. Investigation must be made in each village; for the names recorded in the Collector's books may be either those of persons who are not proprietors, of those persons who being part proprietors are not exclusively so, but representatives of the body of village proprietors."

A very distinct service in understanding the true position of proprietors in India was rendered by such insertions as these. That is the justification for such a long quotation. The main principles of *raiayatwari* system have already been explained.

Legally, the system of village tenure is a zamindari system ; but as the proprietors are numerous and small, in point of fact it has close resemblance to a raiyatwari area. This system originated with the discovery of the constitution of a new type of village in upper India. The foundations of this system were laid by Regulation VII of 1822 and Regulation IX of 1833. They were based on the able and famous minute dated the 1st July, 1819 written by Holt Makenzie who was then the Secretary to the Board of Revenue in the North West Provinces (U.P.). The earlier attempts to find a proprietor in the sense of Bengal zamindar were given up, though in some places settlements were made with the landlords. In many cases where a settlement was made with the landlord a *mofussal* settlement was made with the village body so that while the revenue payable by the landlord to Government was settled with him, it was also settled as to what sum the village body would pay to the landlord ; the matter was not left to private contract. In other cases the main settlement was made with the village body and the landlord would get only a fixed cash allowance or a percentage on the revenue (called *malikana*). Regarding the village body itself it was composed of such cultivators as were actually in possession of land and had some title ; for historically this body might have descended from an original usurper ; but settlement officers could not go very far back in time ; existing facts were recognized. Some cultivators, therefore, who had lost the colour of title, became tenants of the proprietary body. So in this system we have a number of proprietors as well as their tenants. The proprietors cultivate their land which is called their *sir* or *khudkast* ; the remaining land is let out to tenants who pay rents to the proprietary body. This village proprietary body may appear in different forms. If there is a single proprietor it is called *zamindar khali*s. If there is a true joint proprietary body without division of holdings it is called *zamindar mushtarka*. When the several owners divide their shares on the basis of the Law of Inheritance, this becomes *pattidari*, that is to say, members of the original family remain proprietors but they hold ancestral shares according to Personal Law and are no longer joint. But this *pattidari* may be perfect or imperfect, that is to say, *pattidari mukammil* and *pattidari na-mukammil* ; in the latter



case everything is not divided but only personal cultivation ; some joint interests still remain. Then there are *bhyyachara* villages in which division is made by the method of equal allotment or some other principle other than ancestral shares. Every one is cultivating his own share. Such villages are found in great numbers in the Punjab and parts of Western U.P. The *bhyyachara* village has several forms. Sir Charles Metcalfe in his Minute dated 7th November 1830 stated the advantages of the village system over the raiyatwari system. He wrote : "Thinking so highly as I do think of this system (raiayatwari) as a Revenue system, it may naturally be asked why I do not propose its universal adoption in our unsettled provinces (North West Provinces). The reason is that I admire the structure of village communities, and am apprehensive that direct engagements for Revenue with each separate land holder or cultivator in a village might tend to destroy its constitution."

Then follows the classic passage on the village communities as little republics. Sir Charles continues :

"But by far the most numerous class of settlements to be made will, I conclude, be those with village communities. In such settlements the *mocuddums*, or headmen, by whatever designation known, come forward to conclude the settlement as the representatives of the village communities. I believe that it is not an uncommon practice to consider those who sign the engagements as exclusively responsible in their own persons, for the payment of the Revenue. In my opinion although undoubtedly responsible as part owners of the village lands, and additionally responsible as collectors of the Revenue and managers of the village, in which capacities they usually receive a percentage on the Revenue, which allowance is termed *mocuddumee*, they are not exclusively responsible, nor as landowners more responsible than the other landowners of the village which they represent. Out of this practice of considering the *mocuddums* as the contractors for the Revenue, instead of regarding them as the headmen and representatives of the village communities, has arisen, I fear, the more serious evil of considering them as the only landowners of the village, and thus annihilating the rights of the rest of the village community. This matter, it seems to me, requires the greatest

care and caution in the settlements to be made, both to guard against the occurrence of such injustice in future, and to redress it if it has occurred ; and to effect this redress the process of the *ryotwar* settlement would be beneficially applicable as it would bring to light the owners of every portion of land and the right of each member of the village community without rendering it necessary to conclude engagements otherwise than with the village community jointly represented by their headmen. I have therefore stated that when the village institutions have been destroyed or impaired by internal dissensions or other incurable causes, the *ryotwar* settlement appears to me the proper remedy to be applied, and the best settlement that can be effected."

A great feature in the revenue arrangement of a village under this system is the *lumbardar*. He is the manager on behalf of the co-sharers ; he lets out lands to tenants, realizes rent, makes arrangements for ejecting tenants and manages these lands generally ; pays land revenue to Government and gets a commission from Government for this service. The remainder he distributes as profits among the co-sharers according to their share. The co-sharers themselves are concerned with the cultivation of the lands in their shares. The *lumbardar* is usually elected by the co-sharers as their representative but is sometimes also appointed by the Collector or rather recognized by him. But there are variations in this arrangement. Sometimes some co-sharers may collect rents in their own shares. The revenue of the village, of course, includes the valuation of sirs and khudkast of co-sharers ; and when rents do not suffice to pay the revenue, contributions are made by co-sharers according to their share to meet this demand. While this U.P. pattern prevails in the Punjab and M.P., some distinctions in these latter two provinces may be noticed. In the early Punjab settlements the forms of records and statistics used in U.P. villages were adopted ; and in most casesamins and other subordinate settlement officials were imported from the same province. They made the field surveys and compiled records. Essentially, therefore, the Punjab system may be considered a variety of the U.P. system. But it has its differences and these differences derive from differences in the constitution of agricultural society in the two provinces. In

the Punjab the bulk of the land is cultivated by owners of the village while in U.P. the proportion of tenants to owner cultivators is greater. Among the co-sharers owning the village there is a greater sense of unity in the Punjab villages than in the U.P. villages. This doubtless is due to the fact that the tribes and clans which settled earlier on lands have not been ousted generally by the descendents of revenue farmers, auction purchasers, etc. The original character of the village has remained more compact in Punjab than elsewhere. Such communities as jats and gujjars have tenaciously held to their lands and are deeply conscious of proprietorship of the village and consider others as outsiders. Small proprietors co-sharing in the village hold small shares and plots and cultivate their own lands with the help of the members of their family, and insist on being called zamindars which, in fact and in law, they are. But the word zamindar has undergone a great transformation in its actual significance; in Bengal and Madras the word means a big proprietor of a big estate, bigger than a talukdar; in U.P. it means a small proprietor; in Punjab it means a small peasant proprietor. As regards tenants their position in Punjab has been weak mainly for the reason that the real agricultural classes were themselves peasant proprietors and tenants in the Punjab were far fewer in number than elsewhere. Early protection in the Punjab was given only to those tenants who, though of an inferior grade, had substantially aided the proprietary body in founding villages and gearing the soil; or if their connection was not so early at least they had later helped to bear the revenue when the assessment was heavy. The Act XXVIII of 1868 gave certain protection to occupancy tenants but it also conferred certain protection on ordinary tenants.

The *malguzar* system of M.P. has been considered to combine the features of the Bengal zamindari and the U.P. village system. The Bengal feature is the original conversion of the *malguzar* into a proprietor and the U.P. feature is that the unit of assessment is not the estate but a village (more correctly *mahal*). The assessment is made after survey and the preparation of the records of rights. At the settlement rents are also fixed which are not generally liable to enhancement. Thus the effects of the mistaken conferment of proprietary rights of *malguzars* have been counteracted and the absolute occupancy tenants.

are as good as "occupants" in a raiyatwari village. In some places there is out and out the raiyatwari settlement. In all cases there has been a liberal recognition of old cultivators who have been declared *malikmakbuza*, who are cultivators who have proprietary rights as far as their own holdings are concerned. Even other tenants are well protected ; rents are fixed during settlement, enhancements are difficult. Tenants in M.P. were for a long time much better protected than in U.P. and Punjab.

In Oudh the land system differs from that in the rest of U.P. in one important respect and that is the existence of talukdar landlords. Not that the village here is of a very different type than that found in the rest of U.P., and, in fact, some settlements were made with village bodies. But while in the rest of U.P. a person holding superior position was only exceptionally settled with, the village bodies being perfect ; in Oudh the settlement was always made with talukdars whenever they could show any claims. The talukdars had grown over a long period either from old chieftainship or from the class of new revenue farmers or new revenue officials ; and they had established their authority as proprietors over a number of villages. But such overgrowth on older proprietary bodies was naturally not even everywhere ; and, therefore, there were many interests of a sub-proprietary nature, apart from tenants.

Now may be examined in brief the position of tenants in U.P. (including Oudh). In U.P. the following kinds of tenants were found before the recent reforms : Permanent tenure holders, fixed rate tenants, permanent lessees, expropriary tenants, tenants holdings on a special term, occupancy tenants, hereditary tenants, non-occupancy tenants and sub-tenants. Even this gradation does not show all shades of rights held by tenants in land. They had varying rights under the various Tenancy Acts passed from time to time. The extensive rights given to proprietors to begin with and the consequent degradation of the cultivators tenants attracted early notice of administrators and indicated need for action. In U.P. legislation in favour of tenants started with Act X of 1859, and the process culminated in the forties of this century. The result in the end was that tenants were made secure in their rights, could

not be ejected except for failure to pay rents and even then the process was not easy; tenancy rights were inherited; the tenants were entitled to the benefits of improvements made by them; unreasonable enhancement of rent was not possible; and in many ways they secured valuable rights to the extent that rights of transfer were very much restricted; but this limitation operated in favour of the tenants.

So far land tenures have been described from the angle of *rights* in land. The picture of land tenures may be presented in another form by adopting another angle: by looking at the whole question from the point of view of payment of Government *land revenue*. The result is the following classification:

- 1.(a) Where Government is the actual and direct owner of the land, for example Khas Mahals in Bengal (to be described in detail in a subsequent chapter). Here the cultivators are tenants of the Government just as they would be of a zamindar in a zamindari area. There are certain other lands of Government which Government lets out to tenants for short periods.
- (b) Government waste lands and *paramboke*—the distinction is that *paramboke* is Government land reserved for certain purpose, *e.g.*, for grazing of the village cattle, burial grounds, for building purposes, village site, tanks and roads, etc. These lands are not alienated except that village site *paramboke* may be assigned for building purposes. Waste land is that Government land which is not attached to the village and is not reserved for any specific purpose; this the Government may let out for cultivation, etc., and may demarcate it for survey number for this purpose. These are known as *darkhast* cases governed by very detailed rules framed by the Board of Revenue.
2. Where there is no one person interested in the land from whom Government collects its revenue; this is the *raiayatwari* area. Here the occupants are not tenants but are in fact proprietors; though sometimes they are described as tenants with permanent inheritable and transferable rights, which amounts

to the same thing. Here the revenue is collected direct from the cultivators.

3. Where besides the actual occupant or cultivator of the land there is a middleman from whom revenue is collected ; this is the zamindari area.
4. What is known in Bombay as "alienated" land, though this expression is not generally heard of in northern India ; but the system prevails everywhere. The State makes grant of land or assigns revenue thereof for various considerations. The revenue assigned may be total or only partial. In northern India this is described as *maufi* or, if the land is large in area, it may be termed as *jagir*. This includes *inam* and *wattans*. The alienation of *maufi* is made for political consideration or for service or for religious purpose. The first would include rewards for service in the military. Service alienations are known as *maufi khidmati* in northern India. This *maufi* may be for various types of service and includes *wattans*. *Wattans* are either for village servants useful to Government, e.g., headmen's and kulkarnies' *wattans*, or useful to the community, e.g., 12 *allutas* and 12 *balutas wattans*. Religious "alienations" or *maufies* are for the upkeep of temples and mosques and for the benefit of *prohits* and *khadims* and to meet expenses of burning lamps on tombs, etc. These are known by various names in various parts of India. These "alienations" or *maufies* may be hereditary and perpetual or for the life-time of a person or conditional on the performance of the service.

Fresh light would be thrown on the system of land tenures by looking at it from the angle of agricultural land itself. The result is as follows :

1. *Sir* and *khudkast* : this is the land cultivated by the landlord himself in zamindari areas. *Sir* is a special type of *khudkast* and carries certain valuable rights which are very much coveted. These rights usually accrue in very old *khudkast*. When the zamindari is sold, the zamindar holds on to his *sir* of which he becomes an exproprietary tenant, the rent being fixed at concessional rate.

2. *Thekedar's* or mortgagee's cultivation.
3. Land held by certain tenure holders.
4. Land held by fixed-rate tenants.
5. Land held by proprietary tenants.
6. Land held by other types of tenants with superior rights, for example, absolute occupancy tenants, occupancy tenants and hereditary tenants.
7. Land held by non-occupancy tenants. There are certain reasons why in these lands the tenants have no occupancy rights. These lands may comprise military encamping grounds, plots within limits of any cantonment area or within the railway or canal boundaries or any forest areas or areas owned by Town Improvement Trusts, Municipalities, educational institutions, tea estates, all lands where cultivation is shifting or unstable, all lands used for casual or occasional cultivation in the bed of a river.
8. Land held by sub-tenants.
9. Waste land and *paramboke*.

The traditional picture regarding rights in land has been described very briefly above. The picture has held good in its main outlines for roughly 150 years. But a particular movement which has been continuous and sustained can be marked : and this is the legislative action to confer rights and protection on actual cultivators in zamindari areas. To study this action it is necessary to go through various Tenancy Acts passed by various provinces from time to time. No account of land tenures in India can present a concrete and detailed picture to the reader unless it includes a summary of the rent and revenue laws as they developed from time to time in various provinces and a detailed classification of various types of proprietors, sub-proprietors, tenure holders, tenants, and sub-tenants together with their rights and liabilities. It has been possible to do neither in this chapter which, therefore, serves as a mere introduction to the subject. Though new reforms of a fundamental nature are being introduced in various States, the account given here has not merely historical importance. In *raiayatwari* areas there will be no fundamental changes ; in *zamindari* areas tenants are being converted into peasant proprietors, that is to say, the zamindari.



areas are being brought into line with the *raiayatwari* areas ; and zamindars are being compensated in money. Even in zamindari areas the traditional pattern will leave its mark. Further these reforms have not been universally and completely carried out. In some places they are still at the legislative stage (Bengal), in other places they are being contested in courts and yet in other places they have not been completely worked out. For example in M.P. every tenant did not choose to become a proprietor and, therefore, became on the abolition of zamindari the tenant of Government, not very different in position than in a *raiayatwari* area. For another reason it was necessary to describe the traditional pattern of land tenure ; this pattern has helped to determine the structure of administration from province to province and before giving a brief description of the present position regarding land tenures it may be worthwhile to state in brief how has the traditional system of land tenure affected Indian administration. The zamindari system in Bengal handed over the cultivators to the proprietors ; it did not establish any direct relationship of Government with the actual cultivators. Whatever disputes the cultivators might have had with the zamindars were matters of civil courts ; the result was that no proper revenue system reaching up to the village could be built up in Bengal as was built elsewhere and the Collector and consequently the Government lost touch with the people which revenue relations alone could establish. In Bengal and Bihar up to recently there were no patwaries, no kanungoes and no tahsildars ; out of five levels in district authority as found elsewhere, three were missing. There were consequently no village records and no detailed village statistics and periodical returns which in other provinces kept the Collector and through him the Government informed of what is happening to the rural society. The Collector in Bengal was not required to know anything about the interior of his district. The officials did not come in touch with the rural people directly as in other provinces. The zamindari system led to centralization. The revenue was deposited at the district headquarters and the registration work was also done there. In a *raiayatwari* village this would not have been possible and the work had to be distributed at various levels. The powerful influence of the zamindars also hindered some



Government programmes. Government police found it difficult to function when opposed by zamindars and the jurisdiction of the civil courts was also usurped for some time by zamindars who held their courts though these were illegal. Government by settling with influential people converted in many cases feudal chiefs into revenue paying zamindars. The raiyatwari system presents a different picture. This system required a complete and extensive survey, the recording of the rights of every cultivator and the maintenance and correction of these records of rights. Government authority, therefore, reached down to the village. The system made revenue administration detailed and gave five levels to the district administration instead of two as in Bengal. The people came directly in touch with Government and its officials, their contacts being frequent and intimate. This contact, however, was not always pleasant to the raiyats. The system required the employment of a large number of subordinate staff who were not immune from bribery and corruption and this sometimes led to oppression. Mr. Ratnaswamy in his book *Some Influences that made the British Administrative System in India* quotes several examples of oppression and bribery and corruption, and particularly the interesting case of K. C. Chetty. Separate settlement with each survey number holder weakened the system of village Government and the power of its traditional officials; it substituted individualism in place of the old community life. It was this consideration which made Sir Charles Metcalfe prefer the village system to raiyatwari system. But the raiyatwari system also ensured political stability for the bulk of the people were secure in their rights to land and their rights and liabilities were defined. The village system of land tenure stands midway between the zamindari and the raiyatwari systems as far as the contact of Government with the people is concerned. Under this system five levels were established in district authority and also a detailed system of land records. But Government did not deal with every cultivator; its relations were only with the proprietary body and that also through the *lambardar*. Nevertheless the village statistics were collected and records corrected and the district officials, therefore, were in possession of a good deal of knowledge of the rural areas. The district administration in

India was thus created by the land systems. Even the division of provinces into districts had some reference to the total revenues of the areas concerned. It was the need of the revenue administration which established the office of the Collector and to him were attached other functions as the need arose; in fact land revenue gave the start for other administrative activities. These other administrative activities were first entrusted to land revenue officials and thus the land revenue system and the outlook of the land revenue officials influenced other departmental activities. Even the police system was influenced by revenue systems. In Bengal zamindars at first exercised police powers and later Government officials were appointed. These Government officials unlike police officials in a raiyatwari area had no village officials to support them; and in the absence of an active village police, work in Bengal became different than it was in Madras or Bombay where the police would be effectively aided and kept informed by the village headman, *reddies* and *patels*.

The influence of different revenue systems on the organization of the judiciary in different parts of India is very obvious. In zamindari areas of Bengal where disputes between the zamindars and the tenants were considered to be in lieu of private property, these disputes went to the civil courts and the civil courts, therefore, had extensive jurisdiction. Elsewhere in many revenue matters the jurisdiction of the civil courts was barred and revenue officials exercised considerable powers in regard to land matters and disputes between zamindars and tenants. In the latter arrangement the poor raiyat got considerable advantage; and the Government officials came to know more of conditions in rural areas than they would otherwise have. An SDO in Bengal knew little about litigation in rural areas: what type of disputes were arising with regard to land and what major developments were happening. An SDO in a *raiayatwari* or village tenure area knows much more.

Even the mode of collection of land revenue has been determined by different land systems. In *raiayatwari* and village tenure areas there has been developed a detailed method of coercive processes for the realization of land revenue; this was necessary because Government was dealing with

a large number of people. In Bengal the method is brief, the Sun Set Law as it is called. This sufficed because revenue was realized from a small number of proprietors. This has further led to this distinction : that in the *raiyyatwari* and village tenure areas the method of land revenue collection is utilized to recover other Government dues which it may be found difficult to collect under respective Acts ; these dues are declared "as if they were arrears of land revenue", and then the procedure of land revenue collection comes into play. This could not be done under the Sun Set Law and, therefore, a separate procedure had to be devised under the Public Demands Recovery Act.

Some of the most important problems of Government arise from agricultural conditions of the people and the various land systems have determined to what extent the Government would be alive in various areas to these problems and what action it would take. The land system directly determines as to whether the basis on which Government stands is going to be broad or narrow.

The land revenue systems had great influence on the village as in fact the village had on the shaping of the land systems. The zamindari system in Bengal almost killed the village ; the Bengal village was simply forgotten ; on the other hand the *raiyyatwari* system has kept the village alive. The village functions as a unit, directly deals with Government and has its own officials. The village tenure system has also kept the village alive. If the Permanent Settlement of Bengal had been introduced in Madras and Bombay and elsewhere the villages in these latter provinces would have become as moribund as a Bengal village. Sometimes, as has been indicated before, the land systems have changed the character of a village, e.g., in M.P. it converted a *raiyyatwari* village into a zamindari village.

These are merely general remarks, but the subsequent chapter will bring out the great influence which the land systems have exercised on the structure of administration in various parts of India and the functions of Government officials.

## 2

### ***Settlement***

The Settlement is the biggest and perhaps the most important single item in the land administration of India ; it gives shape to various land systems though itself being influenced by the existing revenue system, existing rights, geography, climate and constitution of societies in a particular place. It defines the rights of Government in land, that is to say, the right of Government to land revenue ; at the same time it defines the rights of various people to land. Any good and just system of Government, which would last, must be built on a set of mutual rights and obligations of the Government and the people and indeed the best way to keep the revenue flowing into public treasury is to ensure that those who pay the revenue to Government have their rights also defined and secured to them. In fact in the early raiyatwari settlements survey was not properly organized and only sporadic and defective attempts were made at first. In Bombay also early surveys were very roughly made, and, apart from this, various principles were tried for assessment, for calculation of gross produce and net assets and for classification of soil ; some of these were completely abandoned and others were improved upon. The same happened in upper India.

The Settlement did not emerge as a readymade, complete and perfect process ; it has been shaped over a long period in differing conditions and the present shape is the result of such experiments and experience. This aspect of the

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matter was present before the early Settlement Officers. Thomason, who issued the famous directions to Settlement Officers, stated that careful revenue measures adjusting assessment to the capacity of the people and deciding revenue disputes of the people had done much by the middle of the 19th century to improve the condition of agricultural communities. Many tribes had been reclaimed from a criminal life and converted into a noble peasantry. The task, therefore, was inspiring and a number of civil servants plunged themselves into this work in great earnest ; and even though they made serious mistakes and registered many failures, in the end a wonderful system of land revenue administration emerged which rested on a clear and certain definition of the rights of millions of people to the land and equally certain right of Government to land revenue. Early Settlement Officers were beset with great difficulties. The complexities of the work, inadequacy of the data available and the tremendous amount of work involved, were baffling ; the Bombay Survey and Settlement Manual Vol. 1, which deals with the history of Settlements in Bombay, alone would show the difficulties involved in this work. It should be most interesting to go into the history of the shaping of Settlements, for it would help in understanding not only the growth of land systems but also will elucidate many features of the present revenue administration; but such a purpose is beyond the scope of this book and, therefore, the Settlement in its present form need only be described.

What is to be described is a standard Settlement in the zamindari and raiyatwari areas ; but when revenue was to be fixed first the whole procedure of a standard Settlement could not be gone through. There was only what is called a summary settlement which involved neither a survey nor the preparation of the record of rights. When there are full operations it is called a first regular Settlement ; subsequent Settlements are called instalments or revisional settlements. But before the settlement is described a few terms may be defined.

A village is not an assemblage of houses, smaller than a town and larger than a hamlet ; in revenue language it means a definite area of culturable land with one inhabited site or several or none. What is important about a village from the revenue point of view is therefore not inhabited site but the

collection of fields. In northern India there are several revenue villages which are known as 'lacharagi' having no inhabited site at all. A *mahal* is a revenue-paying unit, though its legal definition is cumbersome and includes a revenue-free area also. In zamindari areas (of the village tenure type) the unit of assessment is a *mahal* which usually is coterminous with a village but may, in some places, comprise more than one village or, in other places, form only a portion of it. Therefore strictly speaking under the village tenure system the settlement is not *mouzawar* but is *mahalwar* and, therefore, is sometimes known as *Mahalwari* system. Survey number is a field which is the unit of assessment in a *raiayatwari* area. Assessment is the process of calculating the land revenue payable in respect of a particular area. There may be an assessment on a field or on a mahal or on a whole estate. Settlement in its narrow sense is the process of settling Government demand with a person or a body of person with respect to certain area. In a *zamindari* area a settlement has its ordinary meaning which suggests an element of bargaining. The Settlement Officer would declare the assessment and offer it to the proprietor; the proprietor may refuse "to engage" or may raise objections in which case assessment can be modified. So there is in fact a Settlement. In *raiayatwari* areas a survey number is assessed and while objections can be raised as to the rates of assessment, in fact there is a survey assessment and not settlement with the proprietor. The revenue to Government is determined from time to time on the basis of survey numbers and, therefore, there is an annual *jamabandi* in *raiayatwari* areas which determines the dues of an occupant for a particular year on the basis of the survey numbers which he holds. In the wider sense settlement is taken to mean the whole process involved in determining Government revenue ; it includes the whole process from survey operations right down to settlement of revenue.

Settlements are of two kinds, one permanent and the other temporary. The Bengal *zamindari* system is the Permanent Settlement. As indicated before, the settlement was made without any survey operations or the preparation of the record of rights but it is not as if later these operations have not been carried out, what are known as settlement operations, have, in

fact, been carried out in Bengal, lands have been surveyed, boundary marks erected, maps prepared and a set of records of rights compiled. There is no system of annual records in Bengal but the records of rights were prepared at Settlement. Settlement reports for every district are also available and these contain valuable information on agricultural, economic and social conditions. But there was no resettlement of revenue ; this had been fixed for ever and there was no reassessment and no increase in land revenue. Temporary settlements may, on another principle, be divided into two classes: *zamindari* and *raiya-wari*. This means that all *raiya-wari* settlements are temporary and that some *zamindari* settlements (notably the village tenure systems) are also temporary. Temporary settlement means that it holds good for a duration (usually 30 to 40 years); and at the expiry of its term it is followed by a revisional settlement which may enhance or decrease the revenue and rent rates. Temporary does not mean that the rights of the people terminate at the end of the settlement.

### **Raiya-wari Settlement**

The *Raiya-wari* Settlement is a survey assessment, that is to say, a survey number is assessed to revenue. This system is, therefore, known as *khetwar* settlement. The area which is taken up for settlement is cadastrally surveyed, the area of every field being ascertained and boundaries fixed. This stage is known as that of demarcation and survey. Then there is a general inspection of villages in the area and relevant information is collected. This would include particulars regarding climate, rainfall and physical features ; information regarding the history and existing condition of land tenures, methods of taxation and general economic conditions ; facilities of irrigation, general situation of a particular tract as to how it is situated with regard to means of communications and markets ; the kinds of soil in the area. While such information is being collected the Settlement Officer necessarily comes into contact with the people of the area and gathers a good deal of knowledge of the matters which affect the life of the agricultural community. On the basis of this information villages are grouped for purposes of assessment, so that villages similarly situated with regard to certain advantages



are grouped in one tract. This grouping is with regard to the advantages of situation only because, even if other factors like kinds of soil may be the same, the general situation is going to make one tract different from the other, *e.g.*, if a village lies close to a market it enjoys an advantage over another village which is far from a marketing centre. Then comes the soil classification. For this purpose two types of land is recognized : wet and dry. This distinction is very important and incidentally it leads to a lot of detailed revenue work in villages. Dry areas are classified into 'series', indicating natural differences in soil. The further distinction is into classes which depends on the clay contents and then into 'sorts', that is to say, a soil of one series and one class may be 'best', 'good', 'inferior', 'bad' and 'worst'. Sometimes a reference to sub soil is also necessary. In other words it means that the soil is classified according to its chemical and physical properties which affect produce. The classification of wet land is usually made according to the character and quality of the irrigation, *e.g.*, lands which receive water from a perennial source like rivers, anicuts, tanks served by river dams, etc., are put in the first class. The second class lands are those which are irrigated by tanks fed by river channels which have supply of water for eight months or more. The third class comprises lands which are irrigated with water of tanks receiving supply of water between five and eight months in a year. The fourth class lands are irrigated with water of tanks which have a supply for three to five months in a year ; and the fifth class lands are irrigated by smaller tanks which have capacity for three months in a year or even less. The soil classification by series and class may be necessary in case of wet lands also. When soil classification has been done the stage comes for assessment and this is the most important stage in every settlement. The assessment is made on net produce. First the gross produce is calculated. For every field a standard foodgrain crop is taken ; for a wet field, *e.g.*, it may be paddy ; for a dry field it may be ragi. There are detailed rules on this point for a field may grow various types of crops from time to time and in various proportions. Average yield for each class of soil is ascertained by crop-cutting experiments in different areas. This average yield



is then converted into average money income by working out the average of prices prevailing during the previous twenty non-famine years. This figure is adjusted to allow for differences in the situation as referred to above. This may be considered the gross assets. From this various deductions are made, the most important deduction is for the cost of production. This includes the cost of seeds, agricultural implements, plough, manure, transplanting, thrashing and cost of labour for sowing, planting, weeding, watering and harvesting; cultivator's labour is converted into its money equivalent; manuring includes cartage for conveying manure to the fields. These are worked out for various sorts of lands. Usually the cost of production is worked out on the basis of one crop. In case of double-crop lands the cost is one and a half times. The cost of production would, of course, differ according to the areas. There will be other deductions; there would be deductions for vicissitudes of seasons. It is difficult to generalize but usually the cost of production comes nearly to fifty per cent of the gross produce. When from the gross produce the cost of cultivation and other deductions are made, the remaining figure indicates the net assets and Government revenue is fixed on this. Usually the rate was that Government was to be paid fifty per cent of the net assets but this has carried from place to place and in view of the recent rise in prices the incidence of revenue has gone down very low.

This is a very brief description and has omitted many details, some of them very important. Also details and practices differ from place to place in the same province. Further in Settlement the Settlement Officer has always great discretion and trusts to his judgement and general knowledge. Figures obtained by the procedure described above are always compared to and tested by reference to prevailing rates and the assessments are brought down on grounds of general economic conditions of the tract. The assessment has always to be approved by the Board of Revenue and the Government and several reports have to be sent to Government.

The result of settlement is that every survey-number is assessed and every survey-number holder is given a patta showing the details of his holdings and Government dues and the dates on which each instalment falls due. The patteddar may

raise an objection to the rough patta and appear before the Settlement Officer and get his objection decided. The settlement register has been called the foundation on which the whole revenue administration rests. It records accurate information regarding every separate holder howsoever small. From this register a ledger is prepared known as 'chithha', which gives each raiyat's personal account with Government. The account is given of all lands held revenue free or favourable tenure. A sketch map of the village showing all fields, tanks and channels is attached to the register. General information regarding villages is also found in the settlement register. These are the features of a Madras Settlement ; the Bombay Settlement is similar. This is also based on the survey number and there is annual jamabandi as in Madras. But there are some differences in matters of detail ; and this is inevitable in a matter like settlement. There are different kinds of soil and, therefore, classifications are different. But the water element is included in the assessment as in Madras. In the calculation of assessment rates Bombay practice differs from that of Madras. The basis of calculation in fact has been the existing or former rental value, corrected with reference to altered circumstances, the rise or fall of prices, other advantages like better means of communications or disadvantages. The Bombay method, therefore, is an empirical one.

### **Zamindari Settlement**

What follows is a description, both brief and generalized, of a settlement in a *zamindari* area. Before the settlement starts there is a forecast prepared which among other information indicates the probable results of resettlement specially on revenue and rents. The whole district or a part of a district may be declared to be "under settlement". As indicated before the unit of assessment in a *zamindari* area is a *mahal* and the net assets are represented by the gross rentals plus rental valuation of the home farm and plus income derived from forest, waste and other rights ; and from this whole deduction is made for improvement, etc. On the sum so calculated the revenue is fixed. We may describe the settlement now in some detail. The first stage is that of survey (or rather re-survey) and map correction. The records of rights are then prepared ; they usually

are the *Khasra* (index to the map), *Khetauni-jamabandi* (rights of tenants and accounts of rents), *Khewat* (list of proprietors and their revenue), and *wajabularz* or *destur-deh* (statement of village customs). This list will contain information regarding the custom of user over the village forest and waste ; the mode of paying village servant, rights to forest produce and such other matters regarding local customs. When these records of rights are compiled, the village is said to have been "attested". This stage is known as record operations. Then comes the stage of soil classification. The Settlement Officer starts on his inspection giving due notice to villagers concerned. He enquires into the general conditions of the tract : extent of irrigation, improvements made, general physical and economic condition of the villages, analysis of the rent roll and difficulties in collection if any, cultivators' cost of production ; he also entertains and decides applications for abatement, enhancement, determination, fixation and commutation of rents. He also explains the principles on which soils are classified and checks the work of the soil classifiers (*chak tarashers*). In classifying the soil various factors are taken into consideration, e.g., the quality of the soil as determined by chemical contents of the soil and its physical properties, facilities of irrigation, crop-yielding capacity whether one crop, two crops or three crops ; and general advantages of the situation, such as nearness or distance from a marketing place and the condition of the means of communications. Land distant from the village would be supposed to be inferior than the land near the village, for the land near the village not only is better placed for being manured but there is also the presumption that the village site would be fixed near the better kind of soil. On the basis of these factors and considerations the Settlement Officer would form circles of villages possessing a general similarity of soil or physical character or rent-paying capacity.

When the soil is classified, gross produce can be calculated with reference to crop-cutting experiments and other information available for past years. This is converted into a money value with reference to the average price for the last several years. Thus is obtained the valuation of the land. This serves to test the pitch of existing rents. The Settlement Officer collects all information regarding existing rents ; he

groups these rents by various classes of tenants. These rents, however, are to be carefully analysed ; there may be rents which were contracted when prices were high and there may be rents which were contracted when prices were low. There are rents which are paid by genuine tenants, while there are speculative and unstable rents paid by part-time cultivators who have special skill or industry which come in useful in raising certain crops. There may be rents which are low because the tenant concerned is a favoured one or the rent may have been fixed low in view of the payment of a premium for admission. Certain rents may be falsely shown to be low in view of the imminence of settlement. The Settlement Officer has also to take into consideration any rise in prices of agricultural produce. He has to take all these considerations in view and test these with reference to valuation obtained by the method of soil classification. In other words the actual rent roll, after necessary corrections, is compared with the rent roll as it ought to be. He then frames circle rates of rents. The proposals regarding these circle rates of rents are submitted to the Board of Revenue and objections are heard. When the Board has sanctioned these rent rates or modified them, the Settlement Officer then works out in detail the rental assets of *mahals*. In working out *mahal* assets, the Settlement Officer may for good reasons vary the circle rates of rents. Deductions for improvements made by proprietors and tenants are made, on the other hand receipts from the sale of fruit or timber, trees and income derived from forests, fisheries and jungle produce is added. The rental valuation of sir and khudkast is added to the assets but these are valued at concessional rates, so as to make allowance for the cost of cultivation. Also allowances are made for fluctuations in the prosperity and general economic condition of the people. The assessment proposals are then published ; objections are received and decided. The assessment proposals are then submitted to the Board of Revenue together with the assessment report. The report includes a brief description of the tract and of its river and drainage system, means of communications, trade, marketing conditions, urban centres and general geography. It compares the past conditions with the present with reference to cultivated and irrigated areas,

rainfall, population and crop statistics ; it analyses in general the economic conditions of the proprietary body, any changes that may have occurred since the last settlement ; it also discusses the question of tenures. Movement of prices and rents is also analysed. The assessment proposals have to be finally approved by the Provincial Government and are published in the official gazette. The legislature of the province has an opportunity to discuss these.

The net assets of the *mahal* being now known, the question is 'what would be the land revenue', that is to say, what would be the pitch of assessment of land revenue on the net assets ? This used to be high in the past ; now the land revenue is usually 40 per cent of the net assets. Sometimes the proportion is lower. The Settlement Officer thereafter declares the assessment and takes the agreement from the proprietors who engage to pay the specified land revenue. The settlement is usually made with the *lambardars* or the whole body of proprietors and the distribution of assessment of each *mahal* among themselves is made by the proprietors. Should they fail to do so unanimously, the Settlement Officer distributes this assessment in such a way that the revenue assessed on each share bears to the revenue assessed on the *mahal* the same proportion that the net assets of the share bear to the net assets of the *mahal*. But the distribution may be done on other principles as well ; so that the revenue of each share is enhanced or reduced in proportion to the enhancement or reduction made in the revenue of the *mahal*, or the revenue assessed on each share shall bear to the revenue assessed on the *mahal* the same proportion that the share bears to the *mahal* in *ena-biswa*, etc., or the revenue assessed on each share may bear to the revenue assessed on the *mahal* the same proportion that the valuation of the shares at circle rates or village rates bears to the corresponding rental of the *mahal* or on some such other principle. The Settlement Officer also fixes assessment for miscellaneous proprietary plots included in the area of the *mahal* but not owned by the proprietors of the *mahal*.

The settlement takes effect on the expiry of the last settlement. The result of fixing rates of rents by the Settlement Officer is that the rents cannot be enhanced except under certain prescribed conditions ; certain rents can also be reduced.

if they are higher than warranted by circle rates of rents. When the assessment of all the mahals of the district or area declared under settlement has been completed, the Settlement Officer submits a final report. These settlement reports are strongly bound in volumes and contain very valuable material. The result is that everybody's right to land is re-defined and Government revenue is re-fixed.

It may be noted that in the Punjab much less area is with tenants than in U.P. and the net assets there have to be worked out on a slightly different principle. The average value of the land is determined as in U.P. This represents the gross assets. From this certain customary payments to menials and artisans are deducted. From the remainder a share is taken out representing the rent, this being a half or a third or some such proportion. What remains forms the net assets. A percentage of this is fixed as land revenue.

The revenue so fixed represents the annual demand ; but it is collected in instalments. These differ from place to place. These instalments are fixed with due regard to the number of crops in an area and their harvesting time.

Revenue-free mahals are also assessed ; this is necessary to fix local rates.

The period of settlement is usually from thirty to forty years but for precarious tracts and alluvial areas the settlement is made for shorter periods.

If the person or persons entitled to be settled with refuses or refuse to accept the assessment declared by the Settlement Officer, such person or persons may be excluded for a prescribed period and settlement may be made with inferior proprietary body if one exists or the Collector may form the *mahal* or hold it under direct management during such period ; but when the prescribed period has expired, those entitled again have the option to 'engage' with the Government. During the period of exclusion the excluded proprietor or proprietors gets or get an allowance.

### **Suspension and Remission of Land Revenue in case of Agricultural Calamities**

Though the effect of the settlement is thus to fix the revenue which holds good during the term of the settlement,

it need not always be collected in full. It has already been stated that in *raiyatwari* areas the exact sum which a raiyat has to pay to Government is a matter of annual accounting on the basis of his holding and the calculation of water rates. In zamindari areas there is no such annual accounting. But in both areas there are suspensions and remissions of land revenue if there is an agricultural calamity. There may be total or partial failure of rainfall; there may be floods, hails and strong winds; crop may be destroyed by locusts, insects and pests; there may be widespread fires destroying crops. In fact, there are so many misfortunes that may befall a crop from the moment it is sown right up to the time when it is gathered. These calamities affect the capacity of the people to pay land revenue. It is, however, necessary to remember that the Government revenue represents the sum that may fairly be demanded on an average of seasons and it is assessed in the belief that cultivators will save from the surplus of good years to meet the deficit in bad; but the cases contemplated here are of more than ordinary losses and are brought about by natural calamities. Scales have, therefore, to be prescribed on the basis of which relief by way of suspension or remission of revenue is available. Usually in most places in India no relief is given if the loss is only up to eight annas in the rupee; but thereafter the scale or relief is determined by the scale of losses, e.g., if the loss is eight annas to twelve annas in the rupee, half the revenue may be remitted; if the loss is over twelve annas, three-fourth of the revenue may be remitted; if the loss is total, all revenue may be remitted, as far as the instalment of revenue for that crop is concerned. The rates given here are merely illustrative and they differ from State to State and indeed from one place to another in the same State. In affording relief, it is also considered whether it is the major crop of the area which is destroyed or only a minor one. If it is a minor crop the relief perhaps would be the mere suspension of that instalment of land revenue so the *raiyat* can tide over the difficulty and pay the land revenue from the proceeds of the next crop. All suspensions and remissions of land revenue are subject to Government approval but temporary suspensions are allowed by the Divisional Commissioners and the Board of Revenue. Whenever revenue is suspended or remitted, to that extent rents are also



suspended or remitted. Relief is granted after extensive enquiries and spot inspections have been made.

### **General Remarks on some points connected with Settlement**

#### **1. Government share of land produce**

Manu laid down that the share of Government on produce should be from one-sixth to one-twelfth. The share was of gross produce. There were, of course, other taxes as now and as in medieval India which an agriculturist might have to pay directly or indirectly. During the Muslim rule, Akbar fixed Government's share as one-third of gross produce but earlier kings had usually taken one-half of gross produce. In the System which the British introduced Government's share was calculated on net assets and not on gross produce. In earlier settlements the assessments were heavy ; but later Government's share was progressively reduced. So that in zamindari areas (excluding Bengal and Bihar) it was usually in the neighbourhood of forty per cent of net assets and sometimes much lower ; in raiyatwari areas it was roughly fifty per cent of net assets. The zamindars and raiyats, therefore, were more lightly assessed, than in medieval times. There has been some controversy about this ; one opinion holding that the principle of Saharanpur Rules of 1855 that the State demand should be one-half of the net assets of the landlord, should be exactly and universally applied. From what has been said it would be obvious why discretion in this matter has been left to Settlement Officers. The Government of India justified this policy of elasticity in their Resolution dated 16th January, 1902 in the following words : "The Governor General in Council, while far from denying the possible utility of such standards as general principles of guidance, must guard himself from any acceptance of them as hard-and-fast rules of practice. It is impossible to apply any one criterion as to all parts or classes in one province much more so to the whole of India. The conditions of uniformity which would alone justify uniformity of treatment are in many cases lacking. A rule of division which would be light in one case might be harsh in another; a proportion of rent or of produce which would leave a wide margin of profit in one part of India might be vexatious elsewhere. While, therefore,



general principles may reasonably be formulated in order, as far as possible, to secure unity and continuity of policy, the Government of India would deprecate, in any case, the hasty acceptance of too precise mathematical formula, as likely to tie the hands of their officers and to produce rigidity instead of elasticity in land revenue administration." It may be pointed out that in view of recent rise in prices, the burden of land revenue has become much lighter than before both in raiyatwari areas and zamindari areas ; and in zamindari areas the tenant also shares in this benefit as the value of his produce has gone up while his rents cannot easily be enhanced. Recently in those settlements, which were carried out, say, in Madras, and which were made necessary on the taking over of some big *zamindaris*, the revenue has been fixed with regard not on the basis of settlement percentage of the share of Government but on the rates prevailing in the neighbouring areas. The effect has been to prevent rise in revenue consequent on settlement and to keep it at the older rates.

## 2. Term of Settlement

The usual term of a settlement has been thirty years ; in some States it has been increased to forty years ; and, in fact, in many States legal provision exists to enable the State Government to extend an existing settlement for even a longer term. There has been some controversy about the merits and demerits about a long-term settlement and a short-term settlement. In the Resolution referred to above the Government of India stated : "Where the land is fully cultivated, rents fair, and agricultural production not liable to violent oscillation, it is sufficient if the demands of Government are re-adjusted once in thirty years, that is, once in the lifetime of each generation. Where the opposite conditions prevail, where there are much waste lands, low rents, and a fluctuating cultivation, or again, where there is a rapid development of resources owing to the construction of roads, railways or canals, to an increase in population, or to a rise in prices, the postponement of resettlement for so long a period is both injurious to the people who are unequal to the strain of a harsh enhancement and to the general tax payer who is temporarily deprived of the additional revenue to which he has a legitimate claim....

Formerly the basis of assessment was the undisputed average yield of the land during the coming period of settlement. Now it is the actual yield at the time of assessment, so that the landowner enjoys to the full any new advantages that may accrue either from his own outlay or from outside circumstances, in the interval before the next revision is made. Assessment upon actual, as distinct from prospective, assets, has thus become a cardinal principle of the land revenue policy of the Government."

This apprehended result of enhancement of assessment during a resettlement on the rural community is sought to be offset by other methods as well. In settlement rules themselves there is some provision as to the limit of enhancement, notwithstanding the rise in net assets. For example total revenue cannot be enhanced beyond a certain proportion, nor can rents be enhanced to any limit. Also when great enhancements take place, the enhancement does not take effect immediately. It is scattered over a number of years. Thus to make things easy for the people there is a gradual and progressive enforcement of sudden increases of other than moderate dimensions. The mitigation of a large enhancement by spreading its imposition over a term of years has become a recognized feature of the settlement procedure.

### 3. Collection of Land Revenue

Considering that Governments in India have failed either because of failure to collect revenue or to enforce orders, it is encouraging to think that these days there is no difficulty in the collection of land revenue ; the most difficult work of Government is more or less taken for granted ; every one pays the land revenue, though sometimes some coercive processes are necessary and the Collector of the district is expected to keep supervision over collections from time to time. This is the result of the perfection of the system of the collection of land revenue which may be briefly described here : The system has engendered a habit in the people to pay Government dues ; but the success of the system in part is also due to the certainty of the land revenue demand fixed by settlement. Though the land revenue dues are fixed on an annual basis, they are collected in a number of instalments over a year.

This year is the agricultural year fixed with regard to the sowing and harvesting of crops. The idea in fixing instalments for payment of land revenue is to establish what has been described as a normal proportion between the amount of revenue collected and the value of produce gathered at the harvest; the fixing of instalments results in establishing a connection between the liability of the cultivator and the accrual of his income. In other words instalments are fixed according to the number of main crops raised in a year, the time when they are harvested and relative value determining the income of the raiyats. For example, in U.P. kharif may be in most places a harvest of foodgrains which are usually consumed by the cultivators; rabi produce crops which are sold thus resulting in cash income to the cultivators. Two instalments would, therefore, be fixed, these being two main crops and the ratio will be six annas and ten annas respectively (to use revenue language). Even where zamindars pay the land revenue, it is necessary to relate their capacity of the cultivators to pay rents to them. As agricultural operations differ from place to place in time and in nature, these instalments both in number and in time differ from one state to another. In Bombay revenue is collected in two instalments; in Madras in four instalments; in U.P. in two instalments; in Punjab two instalments and in M.P. usually in two instalments. But in each state there may be differences from one district to another. Such fixation of instalments makes for easy collection of land revenue and facilitates matters for the cultivators and the zamindars. When an instalment of land revenue has fallen "due" the revenue is described as having fallen "in arrears" and the person failing to pay is called a "defaulter". If he does not pay, the revenue officers have not to go to civil courts and can set into motion the machinery of "coercive processes"; generally speaking these measures are as follows:

1. Writ of demand.
2. Arrest and detention of defaulter.
3. Distress and sale of his movable property.
4. Distress and sale of his immovable property.
5. Attachment of his share with respect of which the arrear is due; its sale and transfer.

#### 6. Annulment of settlement.

The number of these processes may differ from State to State ; but this is broadly the position. Legally speaking, it is not necessary to proceed in the order in which these processes have been mentioned ; a revenue officer may adopt any measures which he thinks necessary according to circumstances. But usually first the less severe processes would be put into motion and then the more severe. There are detailed rules of procedure in this regard. For example when movables are attached agricultural implements have to be exempted. In attachment of share and its transfer a detailed procedure has to be complied with. The arrest and detention of the defaulter does not extinguish the arrears. Certain processes can be issued by the Tahsildar, others by the S.D.O. and some others only by the Collector. Usually attachment and transfer of share and annulment of settlement require the sanction of Government. It is necessary to state that the collection of land revenue has become so smooth and easy that the use of these processes is rare, in any case so far as the more severe processes are concerned.

The method of collection is as follows :

In raiyatwari areas it is the village headman or *patel* who collects the revenue from raiyats and deposits it in the taluk treasury. He gets a commission on collections and is assisted by the *karnam* or *talati* in the maintenance of accounts. In actual collection he is also assisted by the village servants but the responsibility is entirely that of the village headman or *patel*. In the *zamindari* areas the *lambardar* collects the land revenue from the co-sharers and deposits it in the tahsil treasury. He gets a commission on collections. The responsibility of payment of land revenue in raiyatwari areas is individual ; in the village system it is both individual and joint.

In Bengal and Bihar the system is simpler and there are no coercive processes except one, that is, the sale of the property in respect of which revenue has fallen in arrears. Though there are in some places instalments in which land revenue can be paid, the responsibility really is yearly ; if on the fixed date during the year the land revenue is not paid the property is put to *sa e*. The Collectors, however, are authorised to issue

warnings and the Commissioners for sufficient reasons may postpone or set aside the sale ; but on the whole the Sunset Law has a rigidity unknown to the system of land revenue collection in other States of India. In Bengal and Bihar to avoid harassment to other sharers "separate accounts" can be opened so that the responsibility for revenue can be fixed separately in a zamindari where there may be more than one owner and usually the share of the individual defaulter is put to sale.

When the processes issue it is not merely that the defaulter comes under threat of an action, he has also to pay a fee on the process itself which is added to his land revenue account. In U.P., M.P., Bengal and Bihar interest is not charged on arrears of land revenue. In Bombay and Madras interest is charged on arrears of land revenue. In the Punjab no interest is charged on arrears of land revenue.

The land revenue is a first charge on land against all other creditors. This is understood by every one.

The system of land revenue collection works so effectively and smoothly that when any other tax of Government is difficult to realize under its own procedure of collection, it can be realized "as if it were arrears of land revenue" as soon as a declaration to that effect is made. It is obvious that such a use could not be made of the system of land revenue collection in Bengal and Bihar. In those States, therefore, recourse is had to what is known as "certificate" procedure under the Public Demands Recovery Act. On application, the Collector or any other revenue officer authorized in this behalf may issue the "certificate" which is executed as if it were a civil court decree and the Government dues are realized.

The collection of rents by zamindars is a matter between two private parties. If the zamindar fails to collect rents from his tenants, he may file an "arrear of rent" suit or as it is called in some States an "assistance suit" in the court of the Tahsildar. The claim is decided by the court.

### 3

## ***The Patwari and the Land Records***

From the last chapter it would be obvious that the settlement defines the rights of the people to land and their liability to Government ; it defines the rights of Government to land revenue and the Government recognizes the rights of people. Thus the land revenue system which affects the vast majority of the people in India is put on a sound, clear and certain basis; while people's liability to pay revenue to Government is laid on them, their rights are also made clear so that there is no scope for uncertainty in revenue administration. The Government must take a certain sum as land revenue but no more, similarly people must pay a certain sum as land revenue but they know what the sum is and cannot be called upon to pay more. While people having rights in land undertake to pay revenue to Government, the Government recognizes its duty of securing the people in their rights to land which, in fact, constitutes the real basis of the Government's rights. Thus the settlement performs a very real and big service. These rights and liabilities are defined by settlement in certain documents like the record of rights, maps and index to the map, which are prepared at the time of the settlement. They state the position as it was at settlement, but in human affairs

nothing is stationary ; changes must come as a result of death of proprietors or there may be other changes brought about by gift, sale, and mortgages, etc. Thus the settlement records soon get out of date and it is the business of annual records to keep the situation up-to-date, to ensure that the records do not fall out of correspondence with existing facts. In these annual records are entered all subsequent changes so that at any given time all facts can be ascertained as they exist at that time and not as they were at the time of settlement. The annual records are derived from the settlement records ; they are nothing but abstracts and adaptations from settlement registers incorporating from time to time all changes that take place either in the fields or in proprietary or tenancy rights or such changes which are naturally seasonal as crops, etc. It is the primary duty of the Village Accountant to prepare these records, to maintain them and to incorporate all corrections in them from time to time. The Government thus undertakes not only to define the rights of the people to land periodically at the time of settlements but keeps an up-to-date record of such rights so that no one is ignorant as to what these rights at a particular time are. That is the essence and that is the value of the annual records which are known as village records, or *Patwari's* papers, or just land records.

So great is the importance of village records in Indian administration, so closely are they bound up with the question of people's rights to land and so great is their influence on the settlement of land disputes that they must be described in some detail, if the base of the Indian administration is to be understood. There are no annual records in Bengal and Bihar owing to the Permanent Settlement ; this again illustrates how the land systems affect the structure of Indian administration. For the rest of India the position may be described separately, for the *zamindari* areas (notably the village system areas) and the *raiayatwari* areas. In the first group would fall U.P., Punjab, and M.P. ; the system of land records in the plain districts of Assam is very much like the U.P. system. In the second group would fall Madras, Bombay and Berar ; Orissa has all the three systems ; in the ex-Bengal and Bihar areas there are no annual records ; in Sambalpur the system is more or less like the M.P. system, and in the

ex-Madras area the system is similar to that obtaining in *raiya-*  
*wari* areas.

The position in the zamindari areas may be summarized as follows :

The patwari's registers and papers may be divided into two groups : (1) Village Records, (2) Village Statistics. The latter do not form the record of rights, as the expression is understood ; the former do. The expression, however, is sometimes used in a stricter and narrower sense and in that case only the *khewat* and the *khetauni-jamabandi* are considered the record of rights but not the *khasra*. There are a large number of registers which the Village Accountant keeps. Only the most important may briefly be described :

1. The Map of the Village (*Shajra*) : This is prepared at the settlement and shows every field, that is, survey number. The Village Accountant gets this as a trust from the settlement as he does the record of rights, and he keeps it up-to-date by showing changes which happen on the spot in the formation of the fields. Two fields may get united or a single field may get sub-divided or new fields may be demarcated as a result of disposals of lands for cultivation or acquisition of lands or some other changes. The corrected map would, therefore, show at a given time the position as it is on the spot, that is to say, the position up-to-date and not as it was at the time of settlement. In northern India this work is not so great as in *raiya-*  
*wari* areas where waste lands are given to cultivators and new fields are demarcated. The map may be on a single piece of cloth or a single piece of paper or on separate sheets for various parts of the village. Every village has a map. It is drawn to a scale so that the area of every field can be found out from the map and every field is numbered. In *raiya-*  
*wari* areas where the demarcation of boundaries of fields is much more important than in zamindari areas, every field has its boundaries and there is much more emphasis in *raiya-*  
*wari* areas on the maintenance of these boundaries and boundary marks than in *zamindari* areas. The boundaries of the mahals are



separately demarcated and the proprietors have to maintain boundary marks. If they fail to do so, the Collector may discharge this duty and charge the cost to the proprietors. In *raiya-wari* areas also the field boundaries and the village boundaries are maintained by the "occupants" but here the law against the neglect and wilful destruction of boundary marks is more severe than in *zamindari* areas for obvious reasons.

2. *Khasra* : This is index to the map. For every field it gives certain details, e.g., the number of the field, the area of the field, the proprietor in whose *zamindari* the field lies, the tenant who cultivates the field (in case it is not cultivated by the landlord) together with the nature of tenancy and the rent paid, sub-tenant if any ; these may be considered as entries indicating rights. Then follow entries regarding crops : the method of irrigation, all crops grown during the year like kharif, rabi and extra, with details whether crop was irrigated or unirrigated ; if land has not been cultivated it would be shown as fallow together with the class of fallow and then follow remarks where many other things may be noted. The *khasra* is prepared annually ; entries regarding rights are occupied from the record of rights as corrected up-to-date ; entries regarding crops are made as a result of inspection locally known as '*girdawari*'. The village accountant visits every field when the crops are standing and his visits may be two or three in a year and the periods of visits are prescribed. Thus the *khasra* is written up and all changes regarding fields and boundaries are also noted. The *khasra*, as will be seen later, forms the basis of many of the village statistics.
3. *Khewat* : This is a record of proprietary rights in which are entered the names of all proprietors in village (strictly speaking Mahal) ; their specific areas and the nature and the extent of the interest of each is noted. Revenue payable by each is recorded. There are usually not many changes in this and it may be prepared in some places once in four years, noting,

of course, all changes from time to time. But the register itself need not be renewed every year like a *khassra*. In the Punjab *khewat* is combined with *khetauni-jamabandi*.

4. *Khetauni-jamabandi*: This is a record of rights for the tenants. The *khetauni* like the *khewat* is prepared from the previous records of rights as corrected up-to-date ; and during the currency of the register all changes occurring are incorporated. As for *khewat* so for the *khetauni* there is a separate register for each *mahal*. All the cultivating interests are recorded according to the nature of those interests; in other words according to the classes of tenants. As in *khassra* the details are given fieldwise, in *khetauni* the details are given tenant-wise. First the name of the tenant will be given and then will follow the *khassra* numbers, that is, fields which he cultivates, their areas, and rents. Details of areas and rents will be given for every field and then totalled in the end so that not only the tenants but the *zamindar* as well as the revenue courts can know at once how many fields and how much area does a tenant cultivate and what is the rent due from him. In the *zamindari* areas the record of collection of rents is kept separately and is known as *siyaha*. The *khetauni* register may be prepared annually or the same register may continue to be used with corrections for more than one year. The *siyaha* is written up annually.
5. Register of mutations of which more hereafter when dealing with the subject of correction of records.

There are many subsidiary registers which need not, however, be noticed here.

From this description it would be obvious what is the purpose of maintaining the annual record. The purpose is the same in *raiyatwari* areas ; but as the land system differs, there the land revenue is collected from a very large number of cultivators and there is a system of remissions, peculiar to Madras, the emphasis shifts to accounts to a degree which would be surprising in *zamindari* areas. The village records both in Bombay and Madras are known as village accounts and this is significant. A large number of village accounts

are kept by the Village Accountant. In Madras the following five accounts may specially be noted :

1. Village Account No. 2 : This is the 'adangal'. This is the annual statement of occupation and cultivation field by field. It resembles the khasra of northern India but is something more than that. For the unit of assessment in *raiya* areas is field and there is usually no distinction between the proprietor and the tenant, this statement, therefore, may be considered as khasra, khewat and khetauni combined. It gives account fieldwise giving the following information : Government or inam, single or double crop, area, assessment, wet or dry, source of irrigation, occupant, and actual details of crops during the year in annas. This is the most important register and forms the basis not only of annual *jamabandi* settlement but also of village statistical charts.
2. Account No. 10 : This is the personal ledger of each cultivator. It gives his accounts. For every cultivator it shows particulars of his original holdings, additions by transfer or land taken up on *darkhast*, details regarding dry and wet, assessment on these holdings, additions of miscellaneous revenue, cess and village surveys, deductions for remissions and actual collections.
3. Account No. 3 : This is the annual register of changes. It will show what has happened to fields : fields taken up on *darkhast*, transferred by sale, gift or otherwise sold for arrears of revenue, relinquished or such changes as conversion from single to double crop lands, etc.
4. Account No. 8 : This is a statement of wet occupation. The distinction between dry and wet in Madras gives rise to complicated accounts about remissions, etc., as would be evident from the description of the *jamabandi* given later.
5. Account No. 1 : This gives particulars of monthly cultivation for every field, indicating its number whether it is Government or *inam*, the name of the holder, the kind of the crop raised and the source of irrigation.

Map : It has been already stated that the maintenance of the map in a correct and up-to-date form, the measurement of the fields and the preservation of the boundary marks is of far more importance in the *raiyyatwari* areas than in zamindari areas ; for in the former the unit of assessment is the survey number and in the later a *mahal*. It may therefore with some exaggeration be said that in *raiyyatwari* areas what is important is the survey number while in the zamindari areas it is the land-holder. Both in Bombay and Madras, therefore, very great care is taken to keep this map correct.

In Bombay notice may be taken of the following records :

1. *Pik Pani Patra* : This is the village khasra showing for each plot the name of the *raiyyat*, of the tenant if any, area and crop from season to season.
2. *Khetauni* : This is the *khetauni* of the *raiyyats*, i.e., the *khatedars*. Every *khatedar's* holdings, areas and assessments are shown in this.
3. *Paratala Patrak* : This is the account book of the revenue of each *khatedar* and shows remissions and suspensions if any.
4. Then there is the *Inam Patrak*, forest register and the mutation register. Reference to *Tharavband* will be found in the next paragraph.

No account of the Patwari's records is complete without reference to the jamabandi. Jamabandi is annual accounting. Its real meaning is preserved only in *raiyyatwari* areas where every year (doubtless because of the land system) an account is made out for every *raiyyat* as to what revenue he has to pay to Government. In the zamindari areas the jamabandi means the register in which the tenants, their holdings and their rents are mentioned. In the Punjab, as indicated before, jamabandi includes proprietors' rights also. But it does not indicate any accounting ; indeed such accounting is not necessary in zamindari areas. In *raiyyatwari* areas the unit of assessment is the survey number, every field has its own assessment and because a *raiyyat* may relinquish a field and may take another field from Government on a *darkhast*, the annual holding may differ and consequently the annual revenue. In Madras this accounting becomes further complicated by a system of

remissions peculiar to Madras. For purposes of determining the assessment, lands are generally classed under two heads : wet and dry (not to mention *manavari* which represents an intermediate class). Now a wet land may be registered as double-crop, the charge for the second crop would then be one-half of the first crop assessment; further this may be compounded. Land assessed as dry will pay a water rate if water is supplied from a Government source of irrigation or from some other prescribed sources. There are different standards for the levy of these rates in various districts according to whether the crop is single wet crop or second crop or first dry crop watered occasionally or regularly or dry second crop watered regularly or occasionally or a third crop ; this has also sub-divisions, etc. Further there may be a fine for irrigating a dry land from Government source without prior permission. There are sometimes exemptions from these rules. Then some land may be registered as a single crop wet land ; or a dry second crop may be raised on a wet land; or on a single crop wet land a *dofasal* crop may be raised, (it means that the cultivation and irrigation of the *dofasal* crop lasts longer than a single wet crop) ; then there may be a *dofasal* crop on a dry land which can be irrigated. Then there are complications from such facts as a second crop charge on a portion of a field. Further complications arise as regards the character of sources of irrigation. If a dry crop is raised on a wet land for sufficient reasons there would obviously be a remission of water rate but complications can arise ; a rule runs as follows to meet one of the complications : when a dry crop is grown on single-crop wet land but water becomes available in the irrigation source during any portion of the year, when it can be used for growing a wet crop, the usual wet assessment shall be levied. This system, therefore, gives rise to detailed and complicated accounting preceded by numerous and frequent inspections and preparation of various statements. The Government demands, therefore, fluctuate and have to be settled every year on the basis of the holdings of *rai-yats*, allowing for remissions and additions which the situation may require. The *Jamabandi* Officer is usually the R.D.O. but the collectors are required every year to settle a few *taluks* so that they may cover the districts in a number of years. A few centres

are selected in a *taluk* and the accounts of a number of villages are settled. Previous notice is given to the *raiya*s so that they may assemble before the *Jamabandi* Officer. The Village Accountants, the Revenue Inspectors, and Tahsildars are present; in fact the *taluk* has prepared necessary preliminary statements already. Thus annual settlements furnish excellent opportunities to revenue officials to look into the village accounts and the observance of various rules. The collection statements of the previous year would show what arrears are outstanding and these would be added to current demands. In Bombay the *jamabandi* is comparatively a simpler affair owing to the absence of annual remissions which are a feature of the Madras system. Various statements are prepared preliminary to *jamabandi*. All this information is abstracted into *Tharavband* which constitutes the chief *jamabandi* paper. Once the *jamabandi* is done, the village account is closed for the year and every one knows what is the Government demand on it.

It has been stated that the annual records continue the good work started by the settlement by ensuring that the records do not fall out of correspondence with facts, as the latter change; it is necessary, therefore, that the annual records take notice of such changes and incorporate corrections in existing entries as demanded by such changes. For example a certain person is entered as a proprietor in a mahal; during a particular year he dies and his son succeeds to his rights by inheritance. In the *khewat* of that year and indeed in other records as well in his place will be entered the name of his son. The same will happen in the *raiya*twari area when an occupant dies. This correction is technically known as mutation of names. Take another example concerning rights to land. A tenant dies and his son succeeds him. Necessary correction will be made in the relevant registers particularly the *khetauni-jamabandi*. This again is called correction. Or change may occur by some other process, by sale, gift, mortgage or some other kind of transfer. The resulting situation will be taken note of and the registers will be corrected. It is obvious that there should be a procedure for making such corrections; it would be dangerous to leave it to the Village Accountant to make these corrections on his own responsibility and it

would also be dangerous to leave it to the whims of any other officer. There is a procedure which regulates correction of records ; it also names the particular officer who can order a particular kind of correction. These corrections are necessary from another point of view as well. Government must know who is in possession of what land in order to demand its revenue from the proper person. Therefore, while many proprietary titles, and in some provinces even tenancy rights, are finally decided by civil courts, the revenue officers meantime through a summary procedure give a decision and make corrections, substitute new names for old ones. If the parties go to the civil courts and the latter come to a different finding the corrections will be changed accordingly later; but civil courts take time and at every time Government must have some one on whom they can fix responsibility for payment of Government revenue. When the competent revenue officer has given a decision in mutation and correction cases the entries will accordingly be entered by the Village Accountant in the records. For the purpose of these corrections of Village Accountant's papers (as also for revenue suits) there is a hierarchy of revenue courts as follows :

Tahsildar (or Mamlatdar), S.D.O. (or R.D.O.), Collector, Commissioner, and Board of Revenue (or Financial Commissioners). No system of land records can work unless there is a provision for revenue courts which correct those records so that it might be said that while the settlement defines the rights of the people to land, the revenue courts keep the records up-to-date and ensure the people in the enjoyment of those rights.

The procedure for mutations and corrections in U.P., M.P. and the Punjab is broadly similar. The duty of reporting any change that may require mutation in the record of rights is laid on the person who, as a result of this change, acquires a right as well as on the Village Accountant. The former is expected to put in an application in the court of the Tahsildar, and the Village Accountant is expected to make a report to the same officer. What is called mutation fine is usually levied if the claimant fails to put in the application. The Tahsildar would usually issue a proclamation inviting objections if any. If no objections are received,



mutation will be ordered accordingly ; but if objections are made the case becomes "disputed" and a summary enquiry is held as to who is entitled to have mutation in his favour. Various sorts of objections may be raised. Supposing a man dies and a claimant applied to be registered as his successor, other persons may claim to be heirs and deny the status of petitioner ; they may say he is illegitimate or if the petitioner claims by virtue of adoption they may dispute adoption. A vendee may seek to get his name entered on the basis of the deed but the members of the vendor's family may object and may claim that the transfer was illegal ; in fact, a person out of possession may try to assert his right by selling or mortgaging his property and a vender may find out to his cost later that he has only got a right to sue and nothing more ; some one else is in possession and the seller's or the mortgager's right to sell or mortgage is in dispute. If a widow sells, some one may object to the right of the widow to sell. In such cases a summary enquiry will be held as to who is in possession and the mutation will be usually ordered on the basis of possession. The explanation is that the Government is interested in fixing responsibility for revenue pending final decision by the civil court ; this duty can best be discharged by the person in possession of land. If the fact of possession is in doubt then the revenue court proceeds to decide a case on the basis of title. Usually the Tahsildar decides the undisputed cases finally and the S.D.O. decides the disputed cases finally—in these cases the Tahsildar making preliminary enquiry and report ; appeal or revision lies to Collector, then to Commissioner and then to the Board of Revenue.

In Bombay and Madras the number of occupants and survey number holders is very large and the changes that take place in the proprietary interests of these bodies are usually registered with the Sub Registrar who sends from time to time a list of such changes to the revenue officers but this does not absolve the Village Accountant or the claimant to make the report or to make an application.

In Bombay the mutation procedure is more summary than in U.P., M.P. and the Punjab. Whenever any change is reported or comes to the notice of the village accountant he enters it in the register of mutations, and pastes a complete copy



of the entry in the village *chauri*. A list is sent to the Mamlatdar showing these entries in the register of mutations. During their tours certain revenue officers who are called "Certifying Officers", that is to say, who have the powers to decide mutations, come to the village, test the entries in the register of mutations and "certify" them. If any objections are received the Village Accountant has to enter them in the register of disputed cases. These are heard by "Certifying Officers" and disposed of. A certain time is allowed to elapse between the notice of the change to the villagers and the mutation proceedings by the "Certifying Officer". No mutation is certified except in the presence of the parties concerned. Disputes are summarily decided on the basis of possession, but if there is doubt as to the actual possession the person with the strongest title is recorded. The order contains the names of the parties and witnesses and a brief summary of the evidence produced by either side together with the "Certifying Officer's" findings thereon. All original documents produced before the "Certifying Officer" are endorsed by him and returned to the parties as soon as orders have been passed. Thereafter necessary corrections are made in the record of rights. Thus officers on tour decide these disputes locally ; but if work is heavy and rains intervene parties can be called to the Tahsil or to some other Central place. The Officers enjoying "certifying powers" are the Collector, the S. D. O., the Mamlatdar and Aval Karkoon, the Mahalkari, the Circle Officer, and the District Inspector of land records. Appeal lies to the next higher authority.

In the Madras procedure three features may be noted. The first is that in the disputed cases of succession the revenue officer holds a summary enquiry and gives decision on the basis of title and not possession as elsewhere. It is only when the parties have no documents or title and have been shown in the summary of enquiry to have been in possession as disputed owners for twelve years or more that the fact of possession counts for change of names. Secondly, time is allowed to parties to file a civil suit and if an authenticated copy of the plaint is produced the revenue officer stops his proceedings and awaits decision of the civil court. In undisputed cases, of course, the transfer of registry is ordered at once. Thirdly, there is no

right to appeal in cases of transfer of a registry ordered by a Tahsildar or a Deputy Tahsildar except that the R.D.O. and the Collector may, in the exercise of their general powers, entertain revision application against such orders.

To write up and to maintain these village records and to incorporate changes therein as well as to keep the map up-to-date is the primary duty of the Village Accountant. He is a very old functionary and existed both in ancient and medieval India. He was a village servant, kept village records and accounts and was paid by the village. It was only under the British system that he was taken on the pay roll of the Government and became a Government servant. But history could not be unwritten entirely and in many parts of India, therefore, the office of the Village Accountant is still hereditary; he is a *Wattandar*. This position, however, is fast disappearing so that, to take the case of Bombay State, the *Kulkarni* is being converted into *Talati*.

In a sense, the Village Accountant constitutes the most important functionary of Government. He is known by various names in various parts of India. In Tamilnadu he is called *Kanak Pillai*, in Travancore *Provarthikar*, in Kannad area *Shanbog*, in Andhra *Karnam*, in Bombay *Talati* (*Kulkarni* if he is a *Wattandar*), in Assam *Mandal* and elsewhere he is known as *Patwari*. The powers of appointment and punishment including dismissal belong to the Collector but usually these have been delegated to the S.D.Os, the appeal going to the Collector, to the Commissioner and then to the Board of Revenue (Financial Commissioner). There are certain educational qualifications prescribed and when a person is appointed Village Accountant he is trained in a Patwaris School. Where there are rights of hereditary succession, there is usually discretion to the appointing authority to reject an "unlawful" successor. In proprietary mahals the co-sharers have a right to nominate the Village Accountant but here also the appointing authority has some discretion. The Village Accountant may have a charge of a small number of villages, say, from one to six depending upon the type of the village and the volume of work. Sometimes there is an Assistant to the Village Accountant. The Village Accountant must stay in his circle (called *saza* in Bombay and *vattani* in Madras) unless

on good grounds he has been exempted by the Collector from residence. The work of the Village Accountant is so important, detailed and complicated that he is closely supervised by the Kanungo (Revenue Inspector or Circle Supervisor). He keeps a diary in which he records daily happenings of any significance. He also keeps some survey instruments and undertakes measurement and demarcation work on a limited scale.

In importance the village statistics come next only to the record of rights; these the Village Accountant abstracts periodically from his village registers and submits to the Tahsil. These are called periodical returns and contain a wealth of information regarding village life and agricultural conditions ; and on this ultimately are based the national statistics. The number, the time of submission and details regarding columns differ from one part of the country to another but broadly the pattern is the same, and the village statistics may be summarised very briefly for the whole of the country :

1. Forecast Reports : These are reports concerning crops indicating the areas sown, rainfall, the condition of the crop and the expected out-turn. Reports are sent separately for each crop and indeed for every crop for several stages. From this the authorities are kept informed as to the state of crops in the village and should a failure of crop threaten they are forewarned so that necessary action may be taken.
2. Crop Statement : This is different from the forecast. It gives a seasonal or yearly account of crops in the village : what crops in what areas were raised, to what extent they matured, what was the out-turn per acre and what was the source of irrigation. This is compared with the previous year's statement and is an index to the prosperity of agricultural conditions in the village. It would give information regarding the rotation of crops, whether the yield per acre is going up or down, what difference irrigation has made and whether particular crops are being supplanted by some other crops, e.g., commercial crops may be supplanting food crops, or vice-versa. Perhaps this would affect fixing the price of sugarcane.

3. Area Statement : This will give yearly details of land in the village : total area of the village, area under roads, etc., owned by Government and under habitation ; and the rest how much culturable and how much non-culturable ; out of the culturable how much cultivated and how much uncultivated (for all culturable area may not be, in fact, cultivated at a particular time). Uncultivated area constitutes fallow land which is divided under heads : new fallow and old fallow and subdivided into further classes. Out of cultivated area how much irrigated and how much not irrigated ; soil classification.
4. Statement of Holdings and Rentals : This statement would show for the village for the year concerned the position regarding land holders, cultivators, their rents and collections. It would show all transactions with regard to the proprietary and tenancy rights and would constitute a very good indication as to what is happening to agricultural classes, whether new classes are supplanting the old classes, whether rents are being collected yearly and such other information as to what changes are taking place concerning various kinds of interests in land, etc. From this it would also be known as to what proportion of land is cultivated by owners and what proportion of land by various types of tenants.
5. Statement concerning boundary and survey marks.
6. A statement concerning groves and alteration in their character and boundaries.
7. Statement of Sources of Irrigation : This is a most important statement for it would show, for example, the number of wells or tanks or other sources of irrigation which were in commission during the year and when these figures are compared with those of the previous year the revenue officials would know whether irrigation facilities have improved or deteriorated and may take remedial action.

There are many other periodical returns submitted by the Village Accountant and many returns have a very large number of columns giving all possible sorts of information regarding the

village. These returns are consolidated in the Tahsil for the whole Tahsil, in the district for the whole district, in the province for the whole province and by the Central Government for the whole of the country. Thus are collected most important agricultural statistics, remedial measures are taken and plans made. The importance of these statistics is, therefore, obvious. The Village Accountant also prepares cattle census registers, and statements of epidemic diseases, of animal diseases and vaccination, etc. In the *raiayatwari* areas a large number of accounts are returned periodically. Besides these, of course, the Village Accountant has receipt books, correspondence register, and register of circulars and orders, etc.

Thus has been built up the system of village records and village statistics. It is an inspiring thought that every inch of land in India (excepting some portions under the permanently settled zamindaries and some of the former Indian States) is measured and mapped out to a scale. The rights attached to every bit of land are known and kept corrected and the Government land revenue is fixed for every piece of land; and this is a continuing process. It starts with settlement and is kept going by annual records, revenue officials and revenue courts. The maintenance work is as tremendous as it is important. The Government knows who is to pay the land revenue and every one knows what are his rights to land and what are his responsibilities to Government for payment; tenants know their rights and their liabilities. Besides this the Government remains informed at every time about the agricultural conditions in the village or the tahsil, or the district or the province or for that matter for the whole of the country, and can take such measures in the light of this knowledge as may be necessary. To every Government Department village statisticians provide some necessary information and so the Government does not administer or grope in the dark.

From this would be obvious the importance and complexity of the work of the Village Accountant but he has some more duties and these arise from the fact that he is the representative of the Government in his village or circle. He is called upon to assist in the administration of the Court of Wards Department. He helps officials of the Agriculture Department in the distribution of seeds and manures by

supplying necessary information. It is he who identifies people who come to take agricultural loans. Sometimes he is the Secretary of the Village Committee which may be set up to promote Grow More Food Campaign. He reports all diseases of crops so that the Agricultural Officials may take remedial action. He helps the officials of the Veterinary Department for he may not only report cattle diseases but may be called upon to help the officials of this Department in carrying out their duties. He helps the Health Department by reporting epidemics and helping vaccinators and inoculators when they come to the village to perform their duties. For the Irrigation Department he provides slips showing areas under irrigation so that canal dues may be calculated and collected. He helps the Cooperative Department. He helps the Excise Department by reporting any unlawful cultivation or collection of any plants from which an indigenous drug can be produced. He is expected to help the Police Department as well. He carries out very valuable duties during elections and is the only person who can identify every voter in the village. The burden of the census operation in the village falls on him. In fact, being perhaps the most influential whole time and paid Government official in the village, he is called upon to assist Government activities in every sphere. He may be asked to render necessary help in establishing primary schools, village panchayats and in procuring foodgrains. This is implicit in his position and indeed when he has nothing else to do, at least he has to collect villagers so that they may listen to a departmental official : he may be a hygiene Inspector demonstrating the use of mosquito-net or the administration of a quinine pill. If a departmental official will go to a village without the knowledge of the Village Accountant he may find it difficult to carry out his public duties, at least some of them.

## ***Kanungo***

Nothing is easier than to prescribe duties ; the more important thing is to ensure that those duties are properly performed. It is a sound administrative practice, therefore, that whenever duties are assigned, arrangements are made for proper inspections and supervision so that those duties are in fact performed. From the last Chapter it would be obvious that the duties of the patwari are many, complex and important ; so that these are efficiently, honestly and properly performed, the post of the Kanungo has been created on the principle that nothing is done which is not inspected. Kanungoes are of three types. The first may be described as the Field Kanungo. In U.P., Assam, M.P. and Punjab he is called the Supervisor or *Girdawar* Kanungo. In Bombay and Berar he is called Circle Inspector and in Madras Revenue Inspector. His function is to actively supervise Patwaries' work on the spot. The second type is known as Registrar Kanungo in U.P., M.P. and Assam and as Office Kanungo in the Punjab. He is so to speak the Tahsil Office Kanungo. He deals with the work of the Patwaries from the office angle ; receives Patwaries' records, consolidates village statistics, distributes forms and survey instruments to the Patwaries and generally keeps Patwaries pay accounts. He is also the revenue record keeper



at the Tahsil. There is no single official in Bombay and Madras who corresponds to the Tahsil Registrar Kanungo ; and the variations will be indicated later. The third type is known as the Superintending or Sadar or District Kanungo in U.P. and the Punjab and as Superintendent of Land Records in M.P. ; the corresponding officer in Bombay is the District Inspector of Land Records and in Madras the District Surveyor (formerly known as Inspecting Tahsildar).

### **The Supervisor Kanungo or Circle Inspector or Revenue Inspector**

He is a field officer. Every Tahsil or Taluk is divided into circles, called Firkas in Madras. This may comprise from 15 to 40 Patwari's charges. The field Kanungo may be a promoted Village Accountant or may have been directly recruited. He must have a prescribed minimum educational qualification and must go through a Training School meant for these officials. Usually these Kanungoes are appointed by the Collector and are under his disciplinary control. He may inflict any lawful punishment upon them including dismissal. A Supervisor Kanungo usually resides in his Circle, is expected to move frequently and have local knowledge and is given a pony allowance. The duties of these Kanungoes (who for the sake of convenience would be referred to here as the Field Kanungoes) may be summarised as follows :

1. General supervision over Village Accountants : They have generally to ensure that the Village Accountants in their Circles obey all orders and observe rules ; that they reside in their Charges ; that they discharge their duties punctually and promptly ; that they write up their registers correctly and keep them up-to-date ; that they actually make field inspection ; that they submit periodical returns in time ; that they keep their map, registers and survey instruments in good form and that they write up their diaries. They keep the register of Village Accountants in which particulars of these Accountants are shown, character rolls entered, and punishments and rewards are also recorded. As Village Accountants have to discharge many other duties, a Field Kanungo also ensures that these are also

discharged and renders necessary assistance to them.

2. Supervision over the Village Maps : This is important everywhere but more so in *raiyatwari* areas. The Field Kanungo is also a surveyor and his main duty in this regard is to see that any change that may occur with regard to boundaries or the demarcation of new survey numbers are properly shown in the village map ; he also carries out rectification of boundaries if necessary. He ensures that all union and division of fields have been shown in the map. He will specially verify and look to the preservation of boundary and survey marks.
3. Verification and test of Patwaries' Records : A certain number of entries in the *Khasra* or *Adangal* are verified on the spot by the Field Kanungo. As the Patwari goes from field to field and writes up the *Khasra* or *Adangal* so does the Field Kanungo selecting certain areas for this purpose. He corrects any entry that may be found wrong, *e.g.*, he may find that there is a certain crop in a field while another has been entered by the Patwari. It will also show the quality of the work of the Patwari and this is the chief aim of such inspections. The record of rights will be tested in the village. The Field Kanungo will read out some entries from the record of rights and from other registers and verify them from the villagers. The Field Kanungo is, of course, not empowered to change entries in the record of rights on his own but he can report to the Tahsildar or Mamlatdar and in the process he can also know the quality of the work of the Village Accountant. During such verification and test of the record of rights the Field Kanungo may find that certain entries have been changed without proper authority ; on the other hand certain connections may not have been made promptly in spite of orders of revenue courts ; he may also find from spot verification that certain *raiyat* or tenant may be dead for some time and yet his name continues ; he would ask the Village Accountant why a report was not made for mutation or correction. There may be a joint holding and the names of all holders may not have been

recorded. He may find that some one other than the recorded *raiyyat* or tenant may be in possession of a field and may be cultivating it. He may find encroachments on Government lands which have not been recorded by the Village Accountant, and in Madras he may find inaccuracies in entries concerning wet and dry lands ; he may find such a serious thing as an Inam holder having died and the Inam having been for long time ended and yet no action for levy of Government taken. Discoveries of facts would not only necessitate action for correction of papers but would also require that the Patwari is brought up to the mark. In brief the Field Kanungo checks, verifies, tests and generally examines all the records which the patwaries keep on the spot in order to ensure that all the records have been written up-to-date, have been written correctly and all rules have been observed. This work is done in the fields or in the village *chaupal*, *choltri* or *chauri* in the presence of the cultivators. This work is necessarily more detailed in *raiyyatwari* areas than in *zamindari* areas.

4. Verification and submission of Village Statistics and detection of agricultural deterioration : In the last Chapter have been described the various important village statistics which the Village Accountant compiles for the village from time to time and submits them to the Tahsil. These are usually checked by the Field Kanungo before they reach the Tahsil and it is the duty of the Field Kanungo to ensure that these periodical returns have been correctly and properly compiled. The consolidation of these records for the whole Tahsil is done at the Tahsil. The Field Kanungo would not mechanically pass the returns on to the Tahsil. He is specially to see that reasons are given for any fluctuations in statistics. These may reveal agricultural deterioration. For example large areas may be going out of cultivation, irrigation facilities may be decreasing, foodgrain crops may be abandoned for other purposes, deaths of cattle from diseases may be abnormally high, classes of old cultivators may be

replaced by commercial classes, ejections of tenants may be unduly large, there may be cases of soil erosion, unusual destruction of crops by wild animals and many other similar things. These will receive the Field Kanungo's attention and he will indicate the reasons for these deteriorations on the basis of which necessary action will be taken. This is a very valuable duty which the Field Kanungo can perform.

5. Local Enquiries: Owing to his revenue duties no official will have more knowledge of the local area nor greater influence than the Field Kanungo. The area is small, the Field Kanungo tours constantly and knows the people. He is, therefore, entrusted with many local enquiries. These are of miscellaneous kinds. The Field Kanungo is not required to undertake enquiries concerning crime nor enquiries ordered by Courts of Law, but there are many subjects connected directly or indirectly with revenue administration which may be referred to him. Weak and poor people still approach district authorities through a general petition concerning their troubles. A powerful neighbour may have ousted a widow from her house on some plea; some persons may be creating local nuisance; and there may be disputes about the use of water. The Indian administration still retains paternal aspect in spite of the rule of law and many such disputes are referred to the Field Kanungo for settlement, or if this be not possible, for report to the higher authorities. Sometimes enquiries from other Departments are also referred to him. For example the Archaeological Department may have heard that there is a tomb of some old king or warrior or saint or poet in a Tahsil of a District; perhaps this would be referred to the Field Kanungo for locating the tomb. Such miscellaneous enquiries are numerous.
6. The Field Kanungo functions as a sort of general executive assistant to the Tahsildar in his Circle and carries out multifarious and miscellaneous duties in his Circle. These duties may be quite onerous in time of famine.

He will have to assist the higher officers in inspections of crop failures and in supervising the preparation of statements of relief by Village Accountants. Tahsildars entrust the Field Kanungoes with many miscellaneous duties : in case of fire, in case of crash of aeroplane, during census and during elections, at public fairs, when the army is marching through his Circle ; on all these occasions a Field Kanungo has some duty to perform and some assistance to render. As a matter of fact he helps many other Departments in their activities in his Circle. He helps a vaccinator or an inoculator who goes to his Circle during an epidemic. It is the Field Kanungo who would assemble the villagers and enable the vaccinator or inoculator to perform his duty. If a hygiene publicity van is doing propaganda in his Circle, it is he who would assemble them ; if the Panchyat Raj Officer or an educational officer wants to inform the public of Government policy, the assistance of the Field Kanungo is necessary. As the Patwari has functions to perform with regard to other Departments so has the Supervisor Kanungo, for not only he must supervise the Village Accountant on such occasions but he has also to contribute his bit. The Field Kanungo in a nutshell constitutes a very valuable link between the Village Accountant and the Tahsildar.

A point about Bombay in this connection may be explained. In Bombay there is a Circle Inspector for a Circle but sometimes for a Circle there is a Circle Officer. The Circle Officer performs the same functions in his Circle as a Circle Inspector and is not a superior officer to the Circle Inspector in the sense that there is a Circle Inspector under him or a number of Circle Inspectors are grouped under him. The difference, however, is that while a Circle Inspector is not a "Certifying Officer" a Circle Officer is, that is to say, he can correct records and tries *madat* and *vahiwat* suits. To this extent he relieves the *mamlatdar* of correction work and a good deal of routine inspection of village accounts and other work. He is also generally invested with third-class magisterial powers. He is of the rank of Aval Karkun.

### **Tahsil Office Kanungo**

The duties and functions of the Registrar Kanungo in U.P., M.P. and Assam and of the Office Kanungo in the Punjab may be briefly summarised as follows : He is either a promoted Patwari or an official from the staff of the Collectorate or Tahsil offices. He is appointed by the Collector and is under his disciplinary control. The Collector may impose any lawful punishments including that of dismissal. Usually in every Tahsil there is a Registrar Kanungo and he may have one or more assistants.

1. Receipts of Patwaries' records and registers and their disposal : Patwaries write up their various registers from time to time ; some are prepared annually, others at longer intervals. When these registers are closed and successive registers prepared, the older registers are filed with the Registrar Kanungo at the Tahsil. Every register has an age assigned to it. According to prescribed rules the Registrar Kanungo will keep these registers and records at the Tahsil Record Room, then weed out some of the records and transfer others to the District Record Room. When the Registrar Kanungo receives these registers from the Patwari he does not mechanically file them ; but he sees that every register and record is complete and is in order, tests some of the records for this purpose. Patwaries and Supervisor Kanungoes' diaries are also filed with the Registrar Kanungo. Thus the Registrar Kanungo is the keeper of the Patwaries' papers and records.

2. He receives various periodical statistical statements from Patwaries and consolidates them for the Tahsil and sends these statements to the Collector's Office. Thus while the Patwaries prepare statistics for the village, the Registrar Kanungo on the basis of these prepares them for the whole Tahsil. These statistical returns have been described in the Chapter on the Patwari and from this description can be gathered what kind of information would be available for the Tahsil as a whole. Thus the Registrar Kanungo is the compiler of the Tahsil statistics. He also notes in the Pargana or Circle Books similar information, extracting this from the detailed statistical charts. These books give for villages and various Sub-Divisions of the Tahsil consolidated statistical

information from year to year and any officer, whether Collector or S.D.O. or the Tahsildar, who examines these books can gather very valuable information regarding the area and take necessary action. Explanations of fluctuations from year to year are given in these books. These books are kept at the Tahsil and are available to any inspecting officer.

3. He keeps stock of various forms, registers and survey instruments which he distributes to the Patwaries ; at the same time he receives from the latter old forms and registers to be consigned.

4. In various agricultural emergencies Patwaries and Supervisor Kanungoes would submit various statements of loss and suggest remissions and suspensions of revenue. These will be consolidated by the Registrar Kanungo for any part of the Tahsil concerned.

5. Owing to the nature of the duties he is best fitted to function as the Reader to the Tahsildar or his Naib in mutation and correction cases. In this connection he is to keep a number of registers and prepare a number of statements regarding institution and disposal of cases. The reports about changes in proprietary and tenancy interest are filed with him and when orders have been passed, he ensures that these are entered in the Patwaries' records. He also keeps with him a register of mutation cases where he registers the changes. Thus he is the Registrar of Changes in landed property. He also keeps mutation funds register.

6. He keeps the Patwaries' pay accounts. Patwaries usually come to the Tahsil in batches once a month, file their paper and reports ; obtain copies of orders, forms and registers ; and take their salaries.

7. He also maintains certain registers in which important Government interests are entered like the register of revenue-paying-mahals, the register of revenue-free-mahals, the register of properties vested in Government, and the register of estates under the management of the Government, etc.

8. He is, of course, the keeper of the revenue record room at the Tahsil where closed Patwaries' papers and registers, mutation files, forms and survey instruments, etc., are kept. Papers in the Record Room are arranged in Bastas according to prescribed rules. There are requisitions from time to time.



by courts and by the Copying Department for making copies for applicants.

He keeps account of survey instruments and printed village maps. These latter are sold to the public also. The civil and military pensioners residing in the Tahsil usually draw their pensions from the Tahsil Treasury. Their existence from time to time is to be verified and as this is done by the Patwaries, it is the Registrar Kanungo who usually maintains the list of pensioners and gets it verified.

The Registrar Kanungo's functions provide another angle (as distinct from the Field Kanungo) from which the Patwaries' work may be looked at. Patwari's work at the Tahsil level culminates in the Registrar Kanungo's office. Every register is in a prescribed form, denoting the columns which have to be written up. These "Forms" are numerous and are a device to impose a superior mind on an inferior mind while the latter is working. Officials even of lesser intelligence cannot go much wrong in writing up registers for the columns keep them to the point. As the official is writing up a form, some one else who devised the columns is assisting him unseen. Then every register or paper has an age which determines the time of its "weeding". Some registers may be permanent like the Settlement Volumes which will never be destroyed, some registers may be kept for twenty years, others for ten years, others for three years and so on. Before Government papers are weeded out there is a scrutiny of papers to ensure that relevant rules have been complied with. This operation takes place every year. Then there is the "Return". Not only a paper has to be written in a particular form and has a particular age but is to be prepared and submitted on a particular date. The Patwaries have to send a number of returns, date of the submission of which has been laid down. A particular return must reach the Registrar Kanungo on a prescribed date, the Registrar Kanungo must prepare the Tahsil return and submit it to the District Office on a particular date and so on. It is one of the most important duties of the Supervising Officers to ensure that all officials are kept to time for there are so many levels for submission of a return. Thus the administration has been bound down to certain rules regarding form, time and age of a paper. Office efficiency depends on the

proper observance of these rules.

In Bombay and Madras there is no single officer corresponding to the Registrar Kanungo. The Talati's records are consigned with the Record Keeper ; forms are issued to them by the Form Keeper, salaries will be paid by the Sub-Treasury establishment and the village statistics would be received and consolidated by the clerks dealing with the subject under the supervision of the Aval Karkoon. The jamabandi clerk deals with that aspect of Talati's work which relates to the preparation and audit of annual accounts.

In Madras there is a Taluk Surveyor who has the active duty to perform of demarcating boundaries of Survey numbers. and maintenance of Survey marks. He inspects Karnam's registers of boundaries and Survey marks but no other records. The Karnam's closed registers are consigned with the Record Keeper; forms are obtained from the Form Clerk. and the consolidation of the village statistics is done by clerks concerned under the supervision of Deputy Tahsildar. The Tahsil Jamabandi Clerk deals with that aspect of Karnam's work which concerns the preparation and audit of the village annual accounts. Unlike Northern India and unlike Bombay the Karnams in Madras do not receive their salaries from the Sub-Treasuries ; they take their salaries by deducting the sum from the collections made in their Circles.

### **District Kanungo**

He is known as Superintending Kanungo in U.P., Sadar Kanungo in the Punjab and Superintendent of Land Records in M.P. There is one for each district and he may have assistants as well as clerks to assist him. The Superintending or Sadar Kanungo is promoted from the rank of Supervisor Kanungo or Partition Inspector and such other officials ; the appointment is made usually by the Director of Land Records. but the Collector enjoys wide disciplinary control over him. The Superintendents of Land Records in M.P. are Tahsildars. placed on deputation for a term of years ; the Assistant Superintendents of Land Records are in a separate cadre ; and some of them are promoted to be Superintendents of Land Records.

The District Kanungo or the Superintendent of Land

Records is the Collector's executive and advisory officer in all matters of land records and the land records staff. His duties are both office duties as well as field duties and may be summarised as follows:

1. Supervision over Land Records and Land Records Staff: He tours in Patwaries' Circles, verifies and tests Patwaries' records and also sees what is the quality of supervision which the Supervisor Kanungoes have exercised over the Patwaries' work. He is an experienced official and ably supplements the supervision of the S.D.Os and the Tahsildars over Patwaries and Supervisor Kanungoes. He also inspects the Patwaries and Kanungoes in their duties and checks their diaries. His inspections go to the Collector who passes necessary orders thereon.
2. On the office side he keeps necessary records, character rolls, survey books of Patwaries, Supervisor Kanungoes and Registrar Kanungoes and puts up proposals regarding their promotions and transfers. He keeps account of their leave.
3. Apart from supervising Patwaries and Kanungoes he also inspects the Tahsil Registrar Kanungoes' offices in the district.
4. As the Registrar Kanungo consolidates statistical statements for the Tahsil, the District Kanungo consolidates these statements for the District. The peculiarity of the M.P. system may be noted here. Supervisor Kanungoes send Patwaries' statistical statements direct to the Superintendent of Land Records and he consolidates them for the district; consolidation is not done at the Tahsil level for the Tahsil. Original statements of the Patwaries, however, are sent back to the Tahsil and the Tahsildar is kept informed through circle books, etc. This work is greatly increased in time of the crop failure when detailed statements of relief have to be prepared for the district.
5. He keeps certain registers and also keeps forms and survey instruments.
6. If there is a Patwaries' School in the district, he supervises it.

7. He is either the keeper of the revenue record room at the district headquarters or in any case inspects it. It would be recalled that certain closed records and registers of the Patwaries eventually find their place in the district revenue record room through the Tahsil Registrar Kanungo.

But there are many miscellaneous duties which fall to the lot of District Kanungo. He is the general adviser to the Collector on land records and his general assistant in this sphere. Many references will come from the Tahsil concerning land records and land records staff asking for orders and advice. These will be noted on by the District Kanungo. Many general orders will come from the Director of Land Records and the Board of Revenue; the District Kanungo will draft suitable orders upon them and ensure necessary action. There are various references made to the Director of Land Records or the Board of Revenue from the district on such matters as writing of partial or extension of time for completing a certain work and all such matters will be handled at the district level by the District Kanungo. Land Records administration is a very detailed administration and District Kanungo indeed is the ministerial assistant at the district level whose business is to ensure that this detailed administration keeps on going smoothly and all details are attended to in time. He really holds a key-post in this respect.

In Bombay and Madras there is no single official corresponding to the District Kanungo. In Bombay there is a District Inspector of Land Records for the district. He is a Departmental official of the Land Records Department (of the status of *Mamlatdar*) directly under the Collector in all administrative matters concerning survey and land records. The emphasis is on survey work, doubtless due to the fact that in *raiyatwari* areas the maintenance of existing boundaries, of survey numbers and demarcation of boundaries of new survey numbers is of the utmost importance. The District Inspector of Land Records has a small party of district and cadastral surveyors who are engaged in field work. He is also in charge of the District Survey Office in which original records of survey are preserved and in which action is initiated for the correction work of survey records. He is specially responsible

for the consolidation of holding work. He inspects the work of the Circle Inspectors and checks the quality of supervision which they have exercised over the *Talats* and the land records. He compiles agricultural statistics at the district level, though most of the work in connection with the consolidation of village statistics is done by the revenue branch of the Collector's Office. As already mentioned in another Chapter the District Inspector of Land Records is a "Certifying Officer" and, therefore, can correct records. Generally speaking as compared to a District Kanungo of northern India, the emphasis in the work of the Inspector of Land Records in Bombay is on the active side of the work.

In Madras there is in each district a District Surveyor. He is only a Surveyor but this work is of very great importance in a *raiyatwari* area. He demarcates boundaries of survey numbers and maintains existing survey marks. He inspects the work of *Taluk* Surveyors. He inspects the Karnam's papers which contain entries concerning boundaries and survey marks but no other records. The Record Keeper sends Karnam's closed registers to the District Record Keeper ; and the village statistics are consolidated for the district by the Hazur Head Clerk and his Assistant notably the *Jamabandi* Clerk. The *Jamabandi* Clerk is specially concerned with the annual village accounts.

Thus the Field Kanungo, the Tahsil Office Kanungo and the District Kanungo with their variations in various States of India constitute an effective machinery not only for supervising the work of Patwaries and keeping them up to the mark but also for taking forward their work.

## 5

### ***Tahsildar***

The Patwaries and Kanungoes are essentially revenue officials though charged with varied miscellaneous duties. When we come to the Tahsildar, we come to the R.M.E. level ; the Tahsildar has Revenue, Magisterial and Executive functions. So has the S.D.O. and the Collector. All the three are overall territorial officers in their respective areas. Even though primarily revenue officials, they have important functions to perform in criminal and executive spheres and are usually known to the general public as Executive Officers. The Patwaries and the Kanungoes are non-gazetted officers ; the Tahsildar, except in Madras, is a gazetted officer.

The Tahsildar is so called everywhere except in Bombay where he is known as *Mamlatdar*. The Tahsildar or the *Mamlatdar* is in charge of a Tahsil or Taluk in which area he performs revenue, magisterial and executive functions. As a Revenue Inspector's Circle is created by grouping a number of villages or Patwari's charges, so a Tahsil contains a number of Revenue Inspector's Circles. Usually Tahsils have existed from pre-British days and even though boundaries were modified, the Tahsil can be considered as an older unit than a Sub-Division (called Division in Madras). Both the Tahsil or the Taluk and the Sub-Division or Division are Sub-Divisions of a District. A district is divided into a number of Sub-

Divisions each in charge of an S.D.O. ; each Sub-Division comprises a number of Tahsils or Taluks, each in charge of a Tahsildar or Mamlatdar.

Usually no one is appointed directly as Tahsildar except in Bombay where a small number of appointments are made as probationary *Mamlatdars* through State Public Service Commission. The rest of the *Mamlatdars* in Bombay and all the Tahsildars elsewhere are promoted from the rank of Naib Tahsildar, Deputy Tahsildar or *Aval Karkun* and a few other similar posts ; a Supervisor Kanungo has a good chance to become a Tahsildar if he is able but first he becomes a Naib or Deputy Tahsildar. Naib and Deputy Tahsildars are partly direct recruits selected through the State Public Service Commission and partly are promoted from Revenue Inspectors or Supervisor Kanungoes or Circle Inspectors. The Tahsildars' cadre constitutes the junior and subordinate branch of the State's Executive Service.

The Tahsildar's functions may be described under the three main heads : R (Revenue), M (Magisterial), and E (Executive).

### Revenue Functions

These may be sub-divided broadly into non-judicial, administrative or general and judicial or quasi-judicial. Under the first sub-head the most important duty of the Tahsildar is to collect the land revenue. Depending on the land system, this is collected in U.P., Punjab and M.P. through *Lambardars* or *Malguzars* ; in Assam through *Mouzedars* (*Mouza* in Assam means a collection of roughly fifty villages) and in Berar, Bombay and Madras directly from the *raiyyat* through the Village Headman. The Tahsildar has wide powers and discretion in the use of coercive processes and the Account Section of the Tahsil Office keeps detailed accouts. In *raiyyatwari* areas the Village Headman collects revenue and Village Accountant keeps accounts, but this does not dispense with the need of keeping accounts at the Tahsil Office. The method of revenue collection has been described in the Chapter on 'Settlement'. Besides the land revenue the Tahsildars have usually to collect tacavi dues, various cases, *Nazul* rents, some excise and forest dues and canal dues ; and besides they may have to collect



many other Government dues which may be declared "as if arrears of land revenue". These may be refugee rents and refugee loans, income tax, sales tax, professional tax, local bodies' taxes and cooperative societies' dues. It is a heavy work and an important one ; but the smoothness with which recoveries are made by Tahsildars is remarkable. Then comes his duty of immediately supervising the land records and the land records staff and watch the agricultural prosperity of his area. While on tour and while sitting in his Office he must find out how the Patwaries and Kanungoes in his Tahsil are working ; whether they are resident in their areas ; whether they know their duties and perform them well ; whether their registers are written and corrected and are up-to-date ; and whether they are sending all periodical returns in time. On tour he tests and verifies the Patwaries' records and specially looks to the quality of the supervision exercised by Field Kanungoes on the work of the Patwaries. For this he goes from field to field to check the map and the index to the map of the village ; at the village *chauri*, *chaura*, *choultri* or *chaupal* he would test the record of rights. He would inspect boundaries and survey marks. In *raiyyatwari* areas this work of inspection of village accounts is heavier and more detailed than in *zamindari* areas. In Madras it is even heavier than in Bombay because of the detailed and complicated rules regarding wet and dry lands and water rates. In brief his is the work of land revenue, where landed property is becoming subject to frequent sales and mortgages. He would also see to the condition of tenants, the state of crops, and any damage to them. If there is any calamity to crops he will be responsible for inspection and preparation to statements of relief. In other cases he would propose remedial action. He would direct his attention to floods and water logging, spread of weeds like *kans*, cutting back of the ravines, ravages by wild animals, diseases and insect pests of crops, cattle diseases and difficulties about communications and markets for sale of produce. In other words it is his duty to keep an eye on all aspects of agricultural and rural life so that Government remains forewarned and foreinformed to take necessary action. This duty is of the utmost importance. When there is widespread failure of crops through any cause very detailed work



on the spot will be required. It will involve large-scale operations for saving the crops, evacuating people, granting of relief, control of floods, treatment of diseases, etc., and the Tahsildar with his village officials and land records staff would be a very vital factor in meeting the situation. The Tahsildar also corrects record of rights but this function would be described under the second sub-head. The Tahsildar would also inspect the revenue record room in the Tahsil, see that all *bastas* are properly labelled and placed, that weeding of papers is according to schedule and that, as prescribed by rules, records are transferred to the District Record Room. He would also ensure that necessary forms to be used by Patwaries and Survey instruments are indented for in time and kept in proper custody and distributed.

In agricultural calamities the work of the distribution of *tacavi* would be increased. *Tacavi* or *tagai* is a loan which is advanced to cultivators on a fair rate of interest and on easy conditions of re-payment either for land improvement or for agricultural purpose. The former type of loans are for construction or repair of Bunds, for construction or repair of tanks and wells; the latter type of loans are meant for purchase of bullocks, *rahats*, seeds, manure, etc.

The Tahsildar also appoints inferior village servants, that is to say, all village servants except headman and the Village Accountant. This work is important in *raiayatwari* areas where there is a large number of such servants. The powers of these appointments have been mostly delegated to Deputy Tahsildars. Where the powers of appointment do not rest with him, e.g., in case of Patwaries and Lambardars he nevertheless makes preliminary enquiries and makes a recommendation to the S.D.O. Tahsildars are specially charged to see that there are no encroachments on Government property and for this purpose they keep various registers of Government property. In *raiayatwari* areas this work is very important.

Tahsildars must remain constantly informed of the conditions of crops and the trend of the monsoon. *Annewadi* in Bombay and *Azmoish* in Madras are his important duties; but everywhere Tahsildars have to send reports to the Collector concerning crop forecast and rainfall.

Under the second sub-head judicial or quasi-judicial revenue-

functions may be mentioned two types of work :

1. Mutations and correction of village papers ; and
2. Revenue suits.

The procedure for mutations and corrections of village papers has been described in the Chapter on the 'Patwari and the Land Records' and the duties of the Tahsildars and S.D.Os in this connection are described there. The procedure here is summary. This is an important work of the Tahsildar, for village records have to be kept up-to-date so that the Government knows from whom to take its revenue and also there is no confusion about the rights of the people to land. The position regarding revenue suits differs from one State to another. This would be described in some detail in the Chapter on 'SDO' for most of the revenue suits are tried by him except in Bombay where most of the suits are tried by *Mamlatdar*, and the S.D.O's function in this respect is mostly appellate under delegated powers of Collector. Again in Bombay tenancy *Aval Karkun* has been appointed who tries petty cases under the Tenancy Acts thus leaving only the important ones for the *Mamlatdar*. The most well-known type of suits which a Tahsildar tries everywhere comprises what are called Assistance Suits or Arrears of Rent Suits. These are suits filed by landlords for recovery of arrears of rent. The procedure of suits is more like that which applies to civil cases.

### Magisterial Functions

Here also the functions divide themselves into judicial and non-judicial. On the judicial side the Tahsildar is a magistrate either of the first class or of the second class, the position differing from State to State and even within a single State. In Punjab, M.P., Bombay and Madras Naib Tahsildars, *Aval Karkuns* and Deputy Tahsildars are also invested with magisterial powers either of the second class or of the third class. In Madras at every Taluk there is a Sub-Magistrate who exercises second class magisterial powers and disposes of all criminal cases which are not of sufficient importance to be tried by the Sub-Divisional Magistrate not so petty as to bring them within the jurisdiction of the Village Court. Usually a Deputy Tahsildar is appointed a Sub-Magistrate. In some places in Madras Taluk Srishtedars and Head Accountants also exercise

magisterial functions. The revenue and general executive work of the Tahsildars, however, is so heavy that they hardly get much time to devote to the disposal of ordinary criminal cases. But usually a Tahsildar has on his file a few criminal cases either sent by the Police Stations in his charge or instituted on private complaints.

On the non-judicial side it is the duty of the Tahsildar to keep a watch on the general law and order situation in his Tahsil and to report to all disputes or developing situations which may cause apprehension of breach of peace to the Sub-Divisional Magistrate or the District Magistrate for necessary action. He must in particular watch the relation between tenants and landlords. Further at the times of festival, fairs, processions, and other demonstrations it is his responsibility to take all measures to ensure their peaceful passage and celebration and keep himself informed so that where his powers are limited he may report for action to the Sub-Divisional Magistrate or the District Magistrate. He is resident in his Tahsil unlike SDOs who in several States reside at the District Headquarters; this, and the fact that he is in immediate charge of, and in contact with, village official and revenue inspectors, combine to place him in a position of advantage for gathering information and exercising influence on the side of peace.

### **Executive**

The Tahsildar is the chief Government officer in his Tahsil. Government formulates policies and passes orders. These are directed to Collectors who pass them on with appropriate directions to the Tahsildars; and it is at the Tahsil level that orders are actually executed; the effect of many orders reaches the villages and they have to be executed at that level; in that case it is the Tahsildar who supervises their execution through Revenue Inspectors and village officials. Here are a few examples : procurement of foodgrains, recruitment to Defence Forces, enforcement of prohibition and temperance, allotment of lands for Grow More Food Campaign, Organization of Panchayat. Apart from these even in those matters where final orders are passed by the Collector or the District Magistrate preliminary enquiries, reports and

recommendations have to be made by the Tahsildar. The examples are : applications for grant of gun licences, land grants for ex-Servicemen, and licences to cinema operators. And there are detailed miscellaneous duties which fall to the lot of the Tahsildar because he is the chief executive officer of the Tahsil. Some of these are : elections, census, Independence Day Celebrations, big fairs, *van mohotsav*, anti-rabic treatment cases, many duties connected with the Factory Acts, control of fire, sale of T.B. Seals, disposal of ownerless property, duties in connection with treasure troves and, in fact, any matter concerning the Government or the public not specifically allotted to any other Department, *e.g.*, the crash of an aeroplane.

As the Tahsildar is the chief administrative officer in his Tahsil, he has to coordinate the activities of various departments in his Tahsil and has also to assist departmental officers in the performance of their duties. For example, he will have to take active interest in the organization of primary schools, get site for a hospital building and organize preventive measures in case of epidemics. Without his assistance an agricultural demonstration or a hygiene publicity lecture could not be a success ; people will not assemble unless the Tahsildar has called in to play the influence of Revenue Inspectors and village officials. The Tahsildar's Office will supply necessary information to an Engineer who is building a road or a bridge, to the Veterinary Assistant who wants to do some useful work and to an educationist who wants to carry out a literacy programme. If an army marches through a Tahsil, it means heavy work for the Tahsildar who enables the army to purchase supplies and to find a camp. In short just as the Collector stands to Departmental Officials in the District so does the Tahsildar in his Tahsil. He has, therefore, been called a miniature Collector. All Governmental activity which ultimately impinges on the people first impinges on the Tahsil staff.

It is easy to see why other departmental officials need the assistance of the Tahsildar and why the Tahsildar must coordinate their activities. For illustration two cases may be taken : first the case of plant diseases. The experts of the Agriculture Department would provide remedial measures. Perhaps they would spray powders but before they can do this, information must come from the Tahsildar who alone will be able to state

the extent of the damage and its nature ; for this will be reported to him by Patwaries and Revenue Inspectors. Then when action is taken by the Agricultural officers the village officials including the Village Accountant and the Revenue Inspector must be present. They must assemble the villagers, identify the fields, introduce the agricultural experts and then the latter start work. Probably some accommodation will have to be found for overnight stay for agricultural experts. When the work is done the Tahsildar will keep an eye on the progress report ; but agricultural experts would be informed as to the result of the treatment and if necessary the second stage of action will come. The village officials then will prepare a report about the results and the Agriculture Department will then know how the situation has developed. Suppose again cholera has broken out. The reports must again come from village officials ; the Public Health officials will contact the Tahsildar, and ascertain all the necessary information regarding the location of the affected villages, the population concerned, and the prejudices of the people. Probably a Revenue Inspector will accompany the Health officials, maybe a Deputy Tahsildar will accompany them. It will be difficult for Health Inspectors to inoculate people for he may not find many of them at home or some may refuse to take inoculation. The revenue officials will assemble the people and ensure that inoculations are done. They will give such other assistance to Health officials as may be necessary. Probably some medicines will be left behind in the custody of Village Headman, a programme of further inoculations will be made out and the revenue officials will see that no one obstructs the Health officials in the performance of their duties. The Tahsildar's central position is therefore based on the following factors :

1. The knowledge and information which he has of the area through the revenue officials,
2. The influence and prestige of the revenue officials because of their daily contact with the people, and
3. The hierarchy of revenue officials reaches right down to every village.

The need of the Tahsildar's coordinating authority is specially felt with respect to Agriculture, Animal Husbandry, Health, Veterinary and Cooperative Departments.

But this is not all. Just as the Collector in the district is specially responsible for some minor Departments so is the Tahsildar in his tahsil. These are departments of Civil Supplies, Rationing, Court of Wards, Excise and Relief and Rehabilitation. The departmental set-up differs from State to State ; sometimes a Supply Inspector would be attached to the Tahsildar and will work under his general supervision, the Tahsildar being primarily charged with the responsibility that consumers' goods are properly sold at fair prices to the right people and that the licencees observe the rules. Elsewhere an *Aval Karkun* may be appointed for this purpose working directly under the Tahsildar. But the Tahsildar must take general responsibility for the running of these Departments.

Because the Tahsildar is the chief executive officer and because he is directly responsible for some minor Departments just mentioned and also because he is constantly in touch with other departmental officers like those of Agriculture, Irrigation, Cooperation, Animal Husbandry, Education and Health, he is associated with non-official advisory committees of the tahsil. He is usually on every committee either as its Chairman or, if the S.D.O. is the chairman, as its Secretary. These non-official advisory committees are described elsewhere.

Special mention must be made of the Sub-Treasury. At every Tahsil or Taluk headquarters there is a Sub-Treasury from which disbursements are made and payments accepted on Government account. The Tahsildar is the Sub-Treasury Officer. In Bombay it is usually an *Aval Karkun* who is in the immediate charge of the Sub-Treasury and the Tahsildar takes charge when the *Aval Karkun* is away ; elsewhere the Deputy Tahsildar takes charge when the Tahsildar is away. A detailed description of the Treasury and the Sub-Treasury will be found elsewhere.

In several States the Tahsildar is also in charge of the Tahsil Sub-Jail.

### **Tahsil Office**

The description of Tahsildar's functions and duties as given above is general and not detailed ; but additional light may be thrown on his duties if we have a look at his office. The Tahsil Office in U.P., Punjab and M.P. is organized more or

less on similar lines. To every Tahsildar is given a Naib Tahsildar. In U.P. the Naib Tahsildar as a rule does not enjoy magisterial powers; but he is invested with the revenue powers of the Tahsildar so that he considerably relieves the Tahsildar of the work of mutation and correction of Patwaries' papers. In M.P. and the Punjab apart from Tahsildar's revenue powers the Naib Tahsildar also exercises magisterial powers usually of the second class, in M.P. usually of the second class and in Punjab usually of the third class. The revenue suits are usually tried by the Tahsildar himself. The Naib Tahsildar is in charge of the Sub-Treasury in the absence of the Tahsildar. He is also generally in charge of the Tahsildar's office and is in every sense and particularly in general and executive functions is the Deputy of the Tahsildar. On an average in M.P. there are more Naib Tahsildars to a Tahsildar than in U.P. or the Punjab. Sometimes there may be an Additional Tahsildar also.

The Tahsil Office is divided into a number of branches but reference here may be made only to the more important officials. There is a Land Records Branch which is in charge of the Registrar Kanungo who may have several Assistants. This has been described in detail in the Chapter on Kanungoes. Then there is a Sub-Treasury which is in charge of the Tahsildar. There are a number of Accountants and officials like *Potdars* working in the Sub-Treasury. Closely connected with the Sub-Treasury is the *Wasalwakiniwis* and the *Siyaha Nawis*. The *Wasalwakiniwis* keeps accounts of all Government dues and their collection. He is mainly in charge of the land revenue dues and collections; but he also keeps accounts of all other Government dues which may be realized through the Tahsildar like cess, excise dues, irrigation demands and tacavi loans. He will make out an assessment account of every land holder; credit to his account the sums which he deposits; and will close the account when he has completely paid up the dues. He will take last year's arrears into account and may also carry forward for adjustment any surplus collections made. He will submit periodical reports of collections and arrears of land revenue and of other dues. He works in close relationship with the *Siyaha Nawis* and with the Sub-Treasurer.

The Tahsil Record Room contains not only land records.



but files of judicial cases and several other types of papers.. These have to be properly arranged, contents in every basta mentioned and when the time comes papers have to be "weeded" (or as elsewhere called "eliminated") according to rules or transferred to District Record Room. From this Record Room papers are requisitioned by courts or by the Copying Branch.. The Copyist is responsible for receiving applications from the public for the issue of copies. He asks for the record from the Record Room, makes out a copy and then supplies it to the applicant. Copies may be demanded on an ordinary application or an urgent application ; the fee for an urgent application being greater than that for an ordinary application ; but on an urgent application a copy is made available much sooner than on an ordinary application. For both classes copies should be issued in order of the receipt of applications.

There is usually a Form Keeper who keeps custody of forms and issues them to Clerks. This function may, however, be combined with the functions of another Clerk.

There is a Naib Nazir at every Tahsil ; he is called a Naib because the Nazir is at the District Office. He is sort of executive Assistant to the Tahsildar and has many outdoor duties connected with general *bandobast*. He is in charge of revenue peons and process servers who may number from 20 to 40 in a Tahsil. He distributes processes of revenue and civil courts to them for execution and ensures that the service is timely and proper. Some revenue peons are utilized for helping in connection of revenue and execution of coercive processes and others are attached to the various sections of the Tahsil Office and to the Tahsildar and Naib Tahsildar as their orderlies. The Naib Nazir is in charge of furniture, tentage and other Government properties in the Tahsil. If the Tahsil building belongs to the P.W.D. he would ensure that repairs and white-washing are done and the building is kept in neat, clean and tidy condition and the compound has reasonably clean appearance. If the Tahsil building is a revenue building the duties of the Naib Nazir become heavier. But the Naib Nazir has several miscellaneous duties. He maintains accounts of expenditure on contingencies (for which he has got a permanent advance which he keeps on recouping), accounts of diet money given to witnesses in criminal and revenue cases,



account of expenditure incurred on undertrials, account of unclaimed and intestate properties and several other accounts. He is in charge of the *Malkhana* where property involved in criminal cases and some other property is kept ; he disposes of this property as soon as orders by competent authority are passed. In many places he is also the receiving and dispatching clerk. In M.P. the Naib Nazir is usually the copyist as well.

Then there are bailiffs called *Kurk Amins* whose duty is to execute decrees of Civil Courts and Revenue Courts and carry out ejectments.

Then there is the main Correspondence Branch where a large number of receipts are examined, noting done, action taken and replies sent ; papers have to be indexed, docketed and then ultimately filed in the Record Room. There may be several Clerks working in this Branch.

The Judicial Branch comprises Readers and Clerks attached to the courts of the Tahsildar and the Naib Tahsildar. They keep various criminal and revenue registers showing institution and disposal of cases and also various accounts registers of fines, diet money, etc. Court processes are issued and all the work connected with case work is done here. The Reader also acts as a *Peshkar* to the Court. Usually the Registrar Kanungo acts as the *Peshkar* to the Tahsildar and Naib Tahsildar in mutation and correction cases but for criminal cases there is a separate Reader.

At the bottom comes a large number of peons and process servers immediately under the command of Naib Nazir. There is a superior peon called *jamadar* who usually acts as Tahsildar's orderly and exercises some sort of authority over other peons.

This is the general picture of a Tahsil Office in U.P., Punjab and M.P. but from time to time a large number of temporary staff are recruited. For example, a number of *Amins* would be temporarily recruited for collection of canal revenue. Besides what may be called Tahsil duties, there are other duties attached to the Tahsildar in connection with some minor Departments. This necessitates separate staff, e.g., there may be some Supply Clerks, some Grow More Food Campaign Clerks. When such work comes as Election or

Census, additional staff is appointed.

In Bombay the *Mamlatdar* is assisted by a number of *Aval Karkuns*. There would be a Treasury *Aval Karkun*, a supply *Aval Karkun*, an Election *Aval Karkun* and there would be a general assistant called *Taluk Aval Karkun*. They head the various Branches of the *Mamlatdar's* Office and assist him in the Branches concerned. There may be a *Tagai Aval Karkun* if this work is heavy in a particular *Taluk*. *Aval Karkuns* are of the rank of the Naib Tahsildars of northern India. In the organization of the Tahsil Office there are some differences from a Tahsil Office in northern India. It has been already stated elsewhere that there is no Registrar Kanungo in Bombay and his work is divided among various Clerks. There is no Naib Nazir either. The buildings belong to the P.W.D. and the furniture account is kept by the Accountant. There are peons headed by a *Naik* but they do not collect land revenue ; and their number is usually smaller than in a north Indian Tahsil. *Tapal* in the villages is distributed through the village servants. The work done in the Tahsil is more or less the same as described above in connection with U.P., Punjab and M.P., though there are variations and there is difference in emphasis on various types of work. The Clerks in a Bombay *Taluk* Office have no general designations as in U.P., Punjab and M.P. They are known by their compilations made according to the breviary of office procedure. Three letters would describe their duties, e.g., LAQ, REV, PHS, DLB or PWD, etc. Therefore when a Clerk has to be referred to or called he would be mentioned by these three letters and not as Land Acquisition Clerk or Revenue Clerk etc. Every Clerk is thus assigned with a definite number of compilations and Clerks are grouped into Branches headed by the appropriate *Aval Karkun*. Each compilation deals with a single definite subject, so that one Clerk can know all about it. Each compilation is not of equal size, they may differ, but the amount of work involved is made fairly equal, e.g., a Clerk may have six compilations while another only two ; but the workload will be equal. Grouping of compilations for one Clerk is so made that the work is of the same type and the responsibility can be fixed. A group of compilations dealing with allied subjects and suitable for management by one head make of a Branch.

A special feature of the Bombay State may be noticed here. Sometimes a *Mahal* (or *Petha*) is constituted into a separate Taluk and is put under a Deputy *Mamlatdar* who is known as *Mahalkari*. His duties are the same as that of a *Mamlatdar* in charge of an ordinary Taluk.

In Madras there is usually a Deputy Tahsildar to assist the Tahsildar. He is known as the headquarters Deputy Tahsildar. There may be an Election Deputy Tahsildar when necessary. But there may also be a Deputy Tahsildar in charge of a Sub-Taluk residing in the Sub-Taluk itself. The set-up regarding Deputy Tahsildars falls into four types :

1. Deputy Tahsildar in independent charge of a Taluk (such a Taluk would have light work either because area is dry or it is *zamindari*).
2. Deputy Tahsildar under the Tahsildar at the headquarters of the Taluk. He acts as a sort of P.A. to the Tahsildar and generally assists him.
3. Deputy Tahsildar under the Tahsildar but in charge of a few *Firkas* and living away from the Tahsil headquarters. He will, therefore, enjoy some independence but is generally under the control of the Tahsildar of the Taluk.
4. Deputy Tahsildar at the headquarters of the Tahsil functioning as a Stationary Sub-Magistrate. He is not under the Tahsildar but functions as a Taluk Magistrate. But the headquarters of Deputy Tahsildar who is general assistant to the Tahsildar and also Deputy Tahsildar headquarters in charge of a few *Firkas* and living away from the Tahsil headquarters may function in addition to their duties as Sub-Magistrates. In addition, there may be, as indicated before, Special Deputy Tahsildars like Election Deputy Tahsildar.

The ministerial heads of the Tahsil Office are the Taluk Head Accountant and the Taluk Head Clerk. The Taluk Head Accountant attends to the Sub-Treasury and supervises the work of Section A (of which more shortly). The Head Clerk looks after B and C Sections. In Madras, the Clerks are known by their account numbers. The following statement, though not a standard one, may be considered as representing a typical organization of a Taluk Office :

- A.1 Nagadi, pensions, deposit, income tax.
- A.2 Stamps, T.A. Bills, Pauper Suits and Agricultural Loans, Prohibition, Wells Subsidy Scheme.
- A.3 Special Funds—Village Officers.
- A.4 Land Revenue ... Land Cess—Proposals ... Post Office, Fisheries, estates, cooperative societies.
- A.5 Public servants ... records, public copies, wrecks, pensions.
- A.6 Treasury Assistant.
- B.1 Making of *tapal*, supervision of B Section, Jamabandi.
- B.2 Land Acquisition, Alienation, Irrigation (Major), Food Production, Agricultural Statistics, Cultivation Account.
- B.3 Inams ... Unreserves ... *Beriz* deductions ... Harijan welfare.
- B.4 Darkhasts, Relinquishments, house sites, town sites, medical, political sufferers, and encroachments.
- B.5 Land Records, minor irrigation, rural water supply, roads.
- B.6 *Patta* transfer applications, public health, cattle mortality, *Taluk* magisterial.
- C.1 *Tapal* distribution, distribution register maintenance and dispatch.
- C.2 Typist.
- D.1 Rationing and Civil Supplies.
- E.1 Elections ... Census.
- E.2 Election typist.

There are, of course, peons headed by a Daffadar.

In a Tahsil or *Taluk* Office there would thus be usually ten to twenty Clerks on permanent establishment ; the number is usually larger in *raiyatwari* areas than in *zamindari* areas. In addition there would be temporary staff and of course a large number of peons not to speak of *Bhistis*, *Malies*, *Punkha Coolies* and licensed petition writers.

A list of the members of the staff is kept showing their dates of postings at the Tahsil or *Taluk* and the work assigned to them. There is another list of periodical returns showing when a periodical return becomes due and the date of actual submission, so that all delays may be noticed. This work of the submission of annual returns is heavy. Some returns are weekly, others fortnightly, monthly, quarterly, six-monthly or yearly.

The number of these returns from a Tahsil in a year may be as large as 200 ; the actual number of returns will be greater because several of these will be repeated every week, fortnight or month. There are various registers kept including register for correspondence and for courts.

The Tahsil Office is the hub of public business in the Tahsil area. Not only duties concerning revenue, magisterial and executive functions of the Tahsildar are performed in this Office but also a large number of miscellaneous duties which do not belong specifically to other Departments ; and indeed many functions are performed in the Tahsil in connection with the activities of the other Departments. People will come to deposit land revenue in the Sub-Treasury and also to deposit canal dues, *tacavi* due cesses, and many other Government dues, they will come to take their salaries and pensions from the Sub-Treasury ; post office officials will come to take stamps, vendors will come to purchase court fees opium, etc. ; some departments will keep their valuables in the Sub-Treasury. People will go to Tahsil to take back property involved in criminal cases or unclaimed property or to get diet money. They will come there for land grants ; ex-servicemen will come to take allowances and scholarships for their children ; others will come in connection with enquiries regarding their application for gun licences ; others will come to take copies of documents required in connection with their litigation ; others will come in connection with anti-rabic treatment applications and in connection with injury cases under the Factory Acts ; and yet others will come for special permits for sugar, food, cloth, cement and iron. There will be many cultivators coming to take *tacavi* loans ; refugees to take business loans. There will be Patwaries and village officials for making various reports and in connection with repairs of village *chauries*. And yet there will be many others in connection with minor irrigation works, for grants in connection with Grow More Food Campaign, for matters connected with cattle ponds, fire relief and auction of quarries. There will be others who would be seeking solvency service, others who will be petitioning for killing monkeys and wild animals. There would be bigger landlords paying agricultural income tax ; there would be other villagers present in connection with forest matters ; there will be people

who would be buying National Savings Certificates from the Sub-Treasury. And yet others in connection with land acquisition, anams matters and fisheries ; in connection with encroachments, assignments of land, and leases under Grow More Food Scheme, and patta transfers ; there will be, of course, litigants in the revenue cases and criminal cases. When there is an election on or outbreak of an epidemic or census or any other big scheme under execution there will be a large number of additional visitors, and in many other emergencies the Tahsil will be overcrowded. Apart from these there will be gentlemen from the town and rural areas on ceremonious calls at the Tahsil. If a departmental official has some work in the Tahsil area, he would probably first visit the Tahsil Office. Thus the Tahsil Office is always full of life and full of people and is a centre of public business in the area.

## 6

### ***Variation in Bengal and Bihar***

The remark made elsewhere that the land system determines the structure of District Administration is exemplified in the fact that there are no Patwaries, no Kanungoes and no Tahsildars in Bengal, Bihar and that part of Orissa which formerly formed part of Bengal and Bihar. Elsewhere there are five levels in district authority ; in Bengal and Bihar there are only two (for the sake of convenience reference to part of Orissa will be omitted) though it may always be taken that remarks concerning Bengal and Bihar apply to it as well. This remarkable fact that District Administration in Bengal and Bihar stops short at the sub-divisional level is doubtless the result of the Permanent Settlement. The Permanent Settlement made a few zamindars responsible for the payment of Government land revenue ; their relations with their tenants were a matter of private affair ; they arose out of private property and were to be decided by civil courts on the motion of parties concerned. What would be considered disputes elsewhere were in Bengal and Bihar civil disputes. When later Tenancy Acts were passed giving certain rights to the tenants this principle continued ; such disputes were to be decided by civil courts. There was, therefore, in fact no division of disputes between tenants and landlords, between revenue cases and civil cases ; even today there are a very few judicial matters concerning this subject



which comes up before revenue officers ; the bulk goes to the civil courts. This would be discussed in a little more detail in the Chapter on the SDO.

On this principle there was no need to keep village records and correct them ; there was no point in keeping records and statistics about somebody else's property and about relations between various parties arising out of landed property. That point of view was promoted on the principle on which the Settlement was based in Bengal and Bihar. Oblivious of the fact that the structure of administration depends on the type of land system, some administrators made an effort to revive Patwaries and Kanungoes who had existed before the Permanent Settlement came into being. But the Permanent Settlement left no place for them and no work. The Patwaries and the Kanungoes are part of a certain machinery of administration. They have to fit in in that machinery and to work with that machinery as a whole ; they cannot be at will introduced into a totally different system. So when the Patwaries and the Kanungoes were revived under certain Regulations it was found that the experiment was vexatious and irritating, useless for all practical purposes and wasteful of Government money ; Patwaries had no functions to perform. And when the Patwaries had no functions to perform and in the absence of annual records, the Kanungoes had nothing to supervise ; therefore they did nothing. The landlords were also opposed to the Patwaries and Kanungoes for they did not want scrutiny regarding their private property. So the Kanungoes were obliterated as well as the Patwaries ; but the latter remained as private servants of the zamindars.

But the Permanent Settlement had not obliterated the land revenue and it was necessary to keep a record as to who was responsible for the payment of land revenue at a particular time. Thus started the system of Land Registration but because there were only a small number of zamindars in a district as compared to other parts of India the work was centralized at the Collector's office ; it was entrusted to a Deputy Collector called the Land Registration Deputy Collector. Every change in proprietorship was reported to the Collector under pain of penalty and this Register of Proprietors is kept up-to-date. The procedure is the same as elsewhere and is called *Dakhil-*

*kharij*. The Collector summarily decides on the basis of possession as to who is responsible for the payment of land revenue ; if the civil court gives a different decision, the register is corrected accordingly. As the non-payment of land revenue results in the sale of property there is provision for partition and for "Separate Accounts". Separate Accounts are opened for co-sharers on their applications so that the default of one sharer does not result in the sale of the whole estate.

The system of land revenue collection is also simple and centralized in Bengal and this again because of the land system. There is a *Taujih* Department at the Collectorate. There is a general district revenue role and under the Sunset Law land revenue is deposited at the district treasury. The Collector also keeps some other registers like the register of revenue-paying lands, the register of revenue-free lands, and the register of lands paying revenue and those held revenue-free, arranged *mauzawar*.

Thus the revenue administration in Bengal and Bihar is simple, brief and limited ; there are no coercive processes except one—sale of property, for here the Government is not dealing with petty zamindars. Disputes between landlords and tenants are matters for civil courts. The village account is a matter between the zamindar and his tenants. The Government revenue does not depend on village accounts. There are no annual records, nor is Government interested in correcting records of rights of tenants or keeping a record of the condition of lands which are the property of the zamindars. The rights acquired can be registered with the Sub-Registrar and disputes could be taken to the civil courts and every one can keep a copy of the decrees. There are no annual village statistics. And so there are no Patwaries, no Kanungoes and no Tahsildars (there is an official in Bengal who goes by the name of Kanungo but he is a mere surveyor). It was not as if other kinds of difficulties did not arise. Though the structure of administration so set up satisfied the needs of the land system, it left other needs unsatisfied. Government had no knowledge of rural areas ; it had no information of the type which was in the possession of district officials elsewhere. How valuable this information is for general administration and development and welfare pur-

poses can be gathered from the Chapters on the Patwari, Kanungo and Tahsildar. A famine took the Governments of Bengal and Bihar unawares. They were not forewarned or foreinformed nor had they any data for such schemes as the procurement of foodgrains. Two measures were taken to meet this partially. One was survey and settlement operations. Today the entire state of Bengal is in possession of a set of record of rights and map for every patta of land. At the settlement Khetauni is prepared which shows all proprietors and all tenants together with the nature of their tenure, the area of their plots and the rents which they pay. Crop statement registers are also prepared showing various kinds of land culturable, unculturable, irrigated and non-irrigated, etc. These registers are kept in the district record room. But these are not annually corrected and, therefore, become useless. The second system of periodical returns was organized through the Agriculture Department. In particular the Union Agricultural Assistant sends a number of reports concerning crops, rainfall and some other connected matters. But this is not as full or effective as the system of village statistics in other parts of India.

In Bengal and Bihar there is, however, a cadre of officers which corresponds to the cadre of Tahsildars elsewhere. They are designated Sub-Deputy Collectors and Sub-Deputy Magistrates and constitute the junior branch of the State Civil Service, the senior branch being constituted by Deputy Collectors and Deputy Magistrates. In functions they are unlike Tahsildars elsewhere, for they do not exercise revenue, magisterial and executive functions in a defined area. They perform from time to time any one of the three types of functions. First, they may be on the staff of the District Magistrate and Collector at the headquarters of the district or may be on the staff of the Sub-Divisional Officer at the headquarters of the sub-division. As Sub-Deputy Collectors and Sub-Deputy Magistrates they would try cases, mostly criminal, because the revenue judicial case work in Bengal and Bihar is very limited. Apart from the criminal case work, which would be distributed to them according to the Thanas or according to various Acts, they are assigned some miscellaneous functions. There may be certificate work, charge of the Sub-Treasury, charge of various sections of the Collector's or SDO's office, Panchayats, miscellaneous work

like cinemas, District Sailors, Soldiers and Airmen's Board, Home Guards, Publicity, Grow More Food Campaign, Refugee Rehabilitation, National Savings Certificate ; or they may be whole-time looking after Rationing and Supplies or Election or Census. In brief, they would mostly do criminal cases and a large amount of miscellaneous work which is a feature of the district administration ; and they would look after various sections of the district and sub-divisional office.

Other type of work is that of Circle Officer. A number of unions are grouped to form a Circle so that there will be a number of Circles in the Sub-Division. A Sub-Deputy Collector and Sub-Deputy Magistrate is put in charge of a Circle. He usually resides at the headquarters of the sub-division ; but if in the Circle there is an urban centre he would usually live there. He has a clerk and an orderly attached to him. He is expected to tour in his Circle and have local knowledge. All miscellaneous enquiries are entrusted to him. There being no Patwaries and Revenue Inspectors, the Circle Officer forms a link between the rural areas and the SDO. He goes to the spot, makes enquiries and submits a report to the SDO. He may also settle minor disputes. Enquiries under Section 202 Cr. P.C. are also sometimes directed to him. He makes enquiries regarding agricultural loans, floods and damage to crops ; and distributes tacavi and is responsible for the collection of these loans. Further there are important enquiries concerning allegations against municipality, minor Government officials which the SDO entrusts to the Circle Officials for enquiry and report. There may be many enquiries regarding various grants, etc. Even though the administration in Bengal and Bihar is limited in many ways, even then there are many contacts with rural areas, various enquiries have to be made on the spot, miscellaneous information has to be gathered, minor disputes are to be settled and this all falls to the lot of Circle Officer. He is the best man in the set-up of Bengal and Bihar to keep the SDO informed of the state of public opinion, of the conduct of the various individuals and of the condition of crops and other matters concerning rural life. But his main function is inspection, supervision and guidance of Union Boards. He is directly responsible for this work. He must inspect all Union Boards and has miscellaneous duties with regard to budget.

expenditure, staff and other functions of these Boards. The Circle Officer does not exercise any judicial functions either revenue or criminal.

The third type of posts which these officers man is that of the *Khas Mahal* Officer. *Khas Mahals* are those estates which are owned and managed by Government direct. They are usually in various *Chaks* in a district and vary in area. Usually a Sub-Deputy Collector and Sub-Deputy Magistrate is put in charge of a *Khas Mahal*. He is called *Khas Mahal* Officer. If the *Khas Mahal* area is big a Deputy Collector and Deputy Magistrate may be appointed *Khas Mahal* Officer. If the *Khas Mahal* area is very small there may be no *Khas Mahal* Officer ; but it may be managed by the SDO concerned in addition to his own duties. There are various ways in which an area may become *Khas Mahal*. When a *zamindari* of a defaulting *zamindar* is put to auction under the Sun Set Law it may be bought by Government, it then becomes a *Khas Mahal*. Estates may be forfeited to the Government for certain offences against the state ; or Government may assume some lands or there may be accretion to estates which are already the property of Government ; or Government may resume lands formerly held by *zamindars* for performance of police duties when the *zamindars* are relieved of those duties. In these ways and in some other ways too the ownership and management passes to Government. But there may be certain areas where only management belongs to Government but not the ownership. This would happen in the case of an estate where a person entitled to settlement declines the terms of settlement and, therefore, is excluded for a term with *malikana* allowance. In a *Khas Mahal* area the *Khas Mahal* Officer functions on the revenue side something like a Tahsildar of other States. This is necessitated by the fact that the Government has to collect its dues from a large number of cultivators who become its tenants, has to keep up-to-date information as to who is responsible for payments of rents and has to keep accounts of collections. In other words the conditions created by the Permanent Settlement do not hold. They have changed and have become something like those in a *raiayatwari* area. A *Khas Mahal* area is divided into a number of small Circles each comprising a few villages in which an official called Tahsildar (not to be confused with the RME Tahsildar

elsewhere) collects the rents. He is the collecting and executive agent of the *Khas Mahal* Officer in his Circle. The Government settles with the old tenants and has to perform all duties of a *zamindar* in a *Khas Mahal* area. The Tahsildar keeps several registers, usually eight in number. There is first the *Khetauni Jamabandi* which shows for every tenant the plots which he cultivates, the area of the plots, the rents due, etc. This is corrected from time to time by the Tahsildar but disputed cases go to the *Khas Mahal* Officer, subject to appeal to the SDO or Collector, Commissioner and the Board of Revenue. Thus the responsibility for payment of rents remains fixed and there are the same mutation proceedings as in other States and the mutation register is kept. On a question of title, of course, the tenants can go to the civil courts. The other important register is tenants' ledger in which accounts are kept for every tenant, of dues and collections. Rents are collected in a number of instalments. In case of difficulty in collection recourse is had to certain procedure under the Public Demands Recovery Act. Then there is a register of leases. The Tahsildar makes proposals and the *Khas Mahal* Officer or the Collector finally approves new leases. A *Khas Mahal* Officer, therefore, is in direct touch with cultivators, keeps various registers at his headquarters, disposes of mutation cases, directly collects from the cultivators and has Tahsildars under him who can be considered somewhat like Patwaries elsewhere and who are very near to the people. Tahsildars are assisted by a number of collecting agents who are sometimes styled Patwaries. They are, however, not Patwaries in the usual sense for they do not keep village records and are merely collecting peons. The *Khas Mahal* Officer has necessarily to collect and keep some other information regarding the tract in his charge. In Bengal and Bihar it is in *Khas Mahal*, if anywhere, that the administrative set-up has some similarity to a Tahsil set-up elsewhere. But the parallel should not be drawn too far, because a *Khas Mahal* is not that compact overall unit of administration as a Tahsil is elsewhere.

## 7

### ***The Sub-Divisional Officer***

The provincial or the State Government is given authority by the Criminal Procedure Code to divide a district into sub-divisions for criminal administration ; and to appoint a Sub-Divisional Magistrate for every such Sub-Division. Similarly for the purpose of revenue administration the Land Revenue Acts or the Land Revenue Codes confer authority on the State Government to divide a district into Sub-Divisions and to appoint a Sub-Divisional Officer to every Sub-Division. Usually the same area is constituted a Sub-Division for criminal and revenue administration, and a single officer put in charge of such an area for both purposes and is known as SDO and SDM (Sub-Divisional Officer and Sub-Divisional Magistrate). In Madras he is called RDO (Revenue Divisional Officer) ; the SDO in Madras is the Police Officer in charge of the Sub-Division for police work. In local language the SDO in northern India is known as *Hakim Pargana* (the designation is wrong for the SDO is in charge of a Sub-Division and NOT of a Pargana which is smaller and does not these days constitute an administrative unit ; perhaps in this designation is implicit a reference to older Pargana Officials when the Pargana did constitute an administrative unit before the British period ; in Bombay the SDO is known as *Prant Officer* (here the designation is more high sounding than the facts warrant for a *Prant* in this connection means not a province but a Sub-Division of a district). There are some other popular designations but



note may be taken only of two. In Madras an RDO who belongs to an All-India Service is usually designated as Sub-Collector ; in Bombay such an officer is called Assistant Collector.

In Bengal, Bihar and part of Orissa the Sub-Division is the lowest administrative unit in the district administration. Elsewhere a Sub-Division usually comprises two to five *Taluks* ; but in U.P. sometimes a Tahsil is coterminous with the Sub-Division, that is to say, in the same area the Tahsildar functions as well as the SDO ; in Bombay there may be as many as six Taluks in a Sub-Division ; but here the population of a Taluk is much less than in a Tahsil in northern India. A hilly tract with difficult means of communications and sparse population requires a different grouping than in the plains of northern India.

A member of the State Civil Service (known as Deputy Collector or EAC) or a junior member of the Indian Administrative Service (known as joint Magistrate and Collector or joint Magistrate and Deputy Collector or Assistant Collector or Assistant Commissioner) is appointed an SDO. A State Civil Service is constituted by State Government partly by direct recruitment through the State Public Service Commission and partly by promotion from the cadre of Tahsildar or Mamlatdars. The Indian Administrative Service is constituted by the Government of India partly by direct recruitment through the Union Public Service Commission and partly by promotion of officers from the State Civil Service ; in every State the proportion of the promoted officers to the total strength of the IAS cadre in that State is 25 per cent. The SDOs are appointed by the State Government and are transferred by them ; except that in U.P. and M.P. these powers have been delegated to the Collector who makes local arrangements. The SDO resides in his own Sub-Division ; if the Sub-Division consists of several Tahsils or Taluks he will be resident at the headquarters of one such Tahsil or Taluka ; except that in U.P. and Bombay the prevailing pattern is for the SDO to reside at the headquarters of the district concerned ; and in such cases the SDO is called "non-resident", that is to say, he is NOT resident in his Sub-Division. Only the *Sadar* SDO is resident in his Sub-Division for the district headquarters constitute the headquarters.

for the *Sadar* Sub-Division as well. In Bombay State, however, the Government has taken a decision that SDOs should reside in their Sub-Divisions ; but so far very few SDOs have taken up residence in their Sub-Divisions mostly because of lack of residential and office accommodation. In M.P. the prevailing pattern used to be "non-resident" SDOs but as the Janapada Scheme was imposed the SDOs in M.P. have moved out into their Sub-Divisions.

The SDO is an overall RME Officer in his Sub-Division ; he is a territorial officer like the Collector in the district and Tahsildar in the Tahsil, where he performs a number of functions and duties and emerges as the Chief Executive Officer and representative of Government in his area. His functions and duties may be defined under the three heads—R.M.E.

### **Revenue Functions**

These may be sub-divided into non-judicial, administrative or general and judicial or quasi-judicial. Under the first sub-head his duties and functions in his Sub-Division are more or less the same as those of a Tahsildar in his Tahsil ; in addition he is also to supervise generally the work of the Tahsildars and inspect their offices. The SDO is not directly responsible for the collection of land revenue which is the duty of the Tahsildar. But his duties towards the maintenance of land records, the work of the land records staff and in matter of watching the agricultural prosperity of his Sub-Division are the same as those of the Tahsildar in his Tahsil. He must tour in villages and check up all the records kept by the Patwaries and ensure that they are correctly written up and are up-to-date. Apart from checking the work of the Patwaries and the Revenue Inspectors he would also see to the quality of the supervision exercised in this regard by the Tahsildars and the Naib Tahsildars. He is responsible for the efficient performance of their duties by the land records staff. He would inspect the revenue branches of the Tahsildar's office including the office of the Registrar Kanungo as, in fact, he inspects all the branches of the Tahsildar's office. He would inspect the Record Room and ensure that all rules have been observed. His duties with regard to the agricultural prosperity in his area are great and important and he must acquaint himself with the village

statistics, condition of tenants and crops and in fact must keep himself informed of the conditions of agricultural and rural life so that he may take necessary action or report to the Collector. When there is damage to crops or general famine and relief measures are necessary he will have heavy work for he will inspect on the spot the condition of crops, check up the statements of relief and will also distribute tacavi loans. As to what points concerning rural and agricultural life he should direct his attention, reference may be made to the Chapter on the Tahsildar.

The work in connection with the maintenance of land records is very heavy in *raiayatwari* areas where a large number of village accountants have to be checked in detail by the SDO. An SDO in Bombay is required to tour in the villages for 210 days in a year in connection with the maintenance of land records (and recently 30 days in a year have been added to this number for supply work). He is usually up and about quite early in the day so that he may catch the people before they depart for their fields; he would take up receipts and there will be a detailed examination involving cross references to so many village accounts. To understand what this means and incidentally also to know what a wonderful system the village land records constitute and how an officer checking these can know everything about village life, one may read the excellent Chapter IX on Village Accounts in the Assistant Collector's Manual prepared by Sir Fredrick Lelly and revised by F.H. Knight. Then the SDO moves on to fields. He would check boundary marks, order repairs if necessary, check up the village map, see the condition of crops and check up the cultivation registers. He is also the Certifying Officer and will correct the records. Of course, many complaints will be made which he will listen to and take necessary action. Other Government work will also be done, e.g., in connection with procurement of foodgrains and checking up of ration cards, development activities and inspection of Panchayats.

As the Tahsildar appoints inferior village servants, the SDO appoints Village Headmen, *Lambardars*, *Mukkhias* and Village Accountants. The powers are those of the Collector but they have been everywhere delegated to the SDO in his area. He has disciplinary control over these officials including the power to

dismiss them. The appeal lies to the Collector and then to the Commissioner and then finally to the Board of Revenue.

The SDOs are specially charged to look to Government interests and property in their Sub-Divisions ; they have the right to inspect any Government property. While inspecting Tahsil Offices the SDO would devote his attention to those registers which are concerned with the Government property.

It has already been stated that an SDO should keep himself informed of conditions of agricultural and rural life ; but in Bengal and Bihar there are no detailed and comprehensive village statistics available ; and even elsewhere in some States the periodical returns from the Tahsils to the district headquarters are not routed through the SDO but there is ample information in the Tahsil Office which an SDO can usefully gather.

Under the second sub-head most of the time of the SDO is taken up with mutation and correction cases and land revenue suits. The procedure for mutation and correction of paper cases is summary and has been described in the Chapter on the Patwari and the Land Records. Usually all the disputed mutation cases and the disputed correction of paper cases are sent up by the Tahsildar to the SDO after a preliminary enquiry and the SDO decides finally subject to appeal to the Collector, the Commissioner and the Board of Revenue. In Bombay, however, these cases are usually decided finally by the *Mamlatdar* and the appeal lies to the SDO under the delegated powers of the Collector. These cases result from change in title to land or tenancy owing to successions, sale, mortgage, gift or otherwise. The result of these cases is to correct the records and bring them up-to-date but the final verdict on any question concerning title can be got finally decided by the parties by a Civil Court and the papers will be corrected accordingly. But there are so many interests in land that definition of various interests may be needed ; also there are one hundred and one questions which arise from these interests and relationship between various interests. These disputes become the subject matter of rent and revenue suits. One such suit to which a reference has already been made is the arrears of rents suit. A general idea of these suits may be had from the enumeration of a few of

them. A *Lambardar* may bring a suit against a co-sharer for arrears of revenue and rent or village expenses ; a co-sharer may bring suit against a *Lambardar* for his share of profits ; a tenant may bring a suit against a joint tenant for the division of a holding and distribution of rent ; a tenant or landlord may bring a suit for declaration as to the nature of tenancy or to the fact of tenancy ; suits may be filed for determination, abatement, enhancement and commutation of rent ; a landlord may bring a suit against a tenant for illegal subletting or any other illegal transfer, or for the ejectment of a person occupying land without title ; a suit may be instituted for damages ; a suit may be instituted for recovery of possession of a holding ; suits may be instituted for compensation ; there may be a suit for the declaration as to the right to trees or any other right. In legal parlance certain matters will form the subject of what are called "applications" and not suits. Examples are applications for demarcation of sir, for exchange of land, for permission to make an improvement, for settlement of dispute as to an improvement etc. But this distinction between suits and applications is not made in every State and for our purpose the examples given above will suffice to show the nature of several kinds of disputes which may arise between landlord and landlord, between landlord and tenant, and between tenant and tenant. The SDO's responsibility for deciding these suits or disputes widely differs from State to State, depending on whether these several disputes are considered revenue matters or civil matters. Most of these disputes are civil matters in Bengal and Bihar. This position is doubtless due to the fact of Permanent Settlement which considers all these relationships as between two parties who should properly get these disputes decided in the ordinary civil courts. In Bengal the SDO decides only cases of conversion of tenants-at-will into hereditary tenants and some cases of division of produce rent. In Bihar the SDO decides a few more cases but broadly speaking the position is the same as in Bengal, and in both States even the arrears of rent cases are matters for civil courts. In Chhota Nagpur, however, the position is different and there are many disputes over which revenue courts have jurisdiction. In U.P. and Punjab most of these disputes are in the jurisdiction of revenue courts ; and in U.P. the SDO and in the Punjab the

revenue assistants or the SDOs would deal with most of these cases. All questions in which proprietary title is involved will be finally decided by the civil courts ; but in other matters the jurisdiction of the civil courts is usually barred. Appeals from SDO's order will go to the Collector, then to the Commissioner and then to the Board of Revenue. In M.P. the position is somewhat similar though the jurisdiction of revenue courts is less extensive than in U.P. and Punjab. In Bombay and Madras under the States' Tenancy Acts the SDOs perform somewhat similar judicial functions ; but this jurisdiction does not touch the bulk of the cultivators for tenants are fewer in *raiayatwari* areas than in the Punjab, U.P. and M.P. In Bombay distribution of this work between *Mamlatdar* and SDO is different than elsewhere ; for here most of these suits are tried by the *Mamlatdar* and the SDO hears appeals from *Mamlatdar's* orders under the delegated powers of the Collectors ; while in other States most of these suits are originally tried by the SDO.

It may be noted here in passing that in most of the States succession to tenancy rights is governed by Personal Law but in some places and in case of some categories of tenants there is a special rule of succession laid down in the Tenancy Acts.

Then there are some other revenue judicial functions. Reference may be made to partition of estates or *zamindaries*. Collector's powers are sometimes delegated in this regard to the SDOs ; but in Bengal and Bihar the work is done centrally at the district headquarters by a Deputy Collector who is invested with Collector's powers. Another important item is land acquisition under the Land Acquisition Act.

This special feature of Indian Administration is noteworthy, that certain judicial functions are entrusted to revenue officers who function as courts and the jurisdiction of the civil courts is barred. Though the provisions of the Civil Procedure Code usually apply to these revenue courts, yet there is some distinction ; and the revenue courts form a hierarchy from the Tahsildar's Court to the Board of Revenue. The relations of revenue courts with the civil courts are varied in this regard. In connection with certain matters the jurisdiction of the civil court is completely barred and a litigant may start at the Tahsildar's Court and finally end up at the Board of Revenue. So much so

that if in the course of a civil dispute before a civil court certain issue arises which is within the exclusive jurisdiction of the revenue court, the issue must be remitted by the civil court to the appropriate revenue court for decision. In other cases, the case should be instituted first in the revenue court but can be taken to a civil court by way of appeal. In some other cases a litigant may go from one revenue court to another but may institute a case in the civil court of the lowest jurisdiction independently of the revenue courts. The precise position in this regard is defined by the several Land Revenue Acts and Tenancy Acts which must be read for appreciating the correct position from State to State.

### **Magisterial**

Magisterial functions may be considered under two sub-heads—judicial and administrative. Normally all police cases within the Sub-Division come to the file of the SDO (in this context called SDM). He may not try all cases himself and may transfer some of these to other Magistrates according to general arrangements made by the District Magistrate ; but he would usually try important criminal police cases and will also dispose of committal cases. Appeals from his decisions go to the Sessions Judge. All FIRs of crimes are sent to him by the police. He is responsible for giving remands and for approving final reports. Apart from trying regular criminal cases in the Sub-Division whether instituted by the police or by private complaints, the SDO is invested with wide powers under Cr.P.C. for preventing crime in his Sub-Division. Thus he supplements police powers and is responsible for peace of his Sub-Division. It is the SDO who usually promulgates orders under the well-known Section 144 Cr.P.C.; he binds over people for keeping peace or being of good behaviour ; and other important Sections in this connection are 106, 107, 108, 109, 110, 145, 146. The SDO, therefore, is in effective charge of punishing and preventing crime and, therefore, has close relations with the Police. He inspects Police Stations and provides guidance to the Police. He is in a very good position to know the state of crime in his Sub-Division.

Under the administrative sub-head will come general work connected with ensuring peace and order in the Sub-Division.



relations with the Police, appointment of village headmen, police patels, village mukkhias and *Gaon Buras*; specially on occasions of festivals, processions, demonstrations and agrarian agitation, it is the SDO's responsibility to ensure that no trouble arises and if it does its duration is arrested and intensity minimized. He would, therefore, keep careful watch over the relations between various communities, classes and parties, would take special precautions and action in emergencies and keep in close touch with the Police in his Sub-Division. The District Magistrate would always consult him when granting licences for fire-arms. The SDO would usually be present on the spot on all important occasions which may threaten breach of peace.

An important post-Independence change has been the separation of the judicial and executive functions of magistrates. Criminal case work is now done by judicial magistrates who are under the High Court.

### Executive

It would thus be seen that an SDO is the Chief Revenue and Magisterial Officer in the Sub-Division; he inspects, supervises and controls the entire land records staff in his Sub-Division and checks and corrects the land records. He hears all revenue disputes of the people in his Sub-Division and decides them. He also appoints village revenue officials including village accountants. On the criminal side he hears the criminal cases and inspects the Thanas and appoints village police officials. These two functions—revenue and criminal—combine to make him effective and influential enough to be the Chief Executive Officer in his Sub-Division. In this capacity he is responsible for ensuring that all Government policies, schemes and orders are properly executed. He would not only supervise the Tahsil and Police officials in his Sub-Division in this regard but would also assist them. He is the general adviser to the Collector in all revenue, police and development matters, affecting his Sub-Division. Like the Tahsildar in his Tahsil, the SDO in his Sub-Division is expected to assist other departmental officials and coordinate their activities. Many Government policies and schemes require the combined efforts of several departments; these activities have to be coordinated

and dovetailed into each other, and someone has to preside at the departmental officers' meeting and give them the lead. Departmental officials have also to be assisted in the matter of information, statistics, records ; and they specially need at the village level the help of revenue officials. Here is a great work for an SDO. Because of his central position in public administration in the Sub-Division, the SDO is usually associated with various non-official committees at the Sub-Divisional or Tahsil level. He is usually their Chairman. A detailed description of these non-official bodies will be found elsewhere. Where there are no tahsils and therefore no tahsil sub-treasuries, there are sub-divisional treasuries as in Bengal and Bihar. The SDO is in charge of this Sub-Treasury. At some places he is also in charge of the Sub-Divisional Jail.

Apart from these an SDO has a lot of work in connection with minor departments which are directly under the control of the Collector. Some of these are Rationing, Civil Supplies, District Sailors, Soldiers and Airmen's Board, Court of Wards, Excise, Prohibition, Sales Tax, and Refugee Relief and Rehabilitation. There are big items of work coming from time to time. Some of these are census, elections, procurement of foodgrains, national savings scheme, etc., etc. But apart from the detailed work involved in revenue, magisterial and executive functions and other big items of special work, there is a large amount of miscellaneous work which falls to the lot of an SDO. Mention may be made of ferries, fisheries, passports, dak bungalows and circuit houses, arms, ammunition and petroleum matters, church and cemetery, identification parades, hotel licences, dying declarations, censorship of jail letters, newspapers, presses, cinemas, theatres and other amusements ; publicity, cattle ponds, village *chavries*, minor irrigation works, fire relief, solvency certificates, forests, permits under the Mines Act, house rent control cases, encroachments, Harijan welfare and uplift, *haj* and *maktab* committees, etc., etc. The Tahsildar in his Tahsil and the SDO in his Sub-Division have a large number of matters of general administration to attend to and the only way to describe this item of work is to call it residuary functions of administration ; that is to say, any and every work connected with public administration,

which has not been assigned specifically to any other department. In this connection the Chapter on Tahsildar may also be read. The assignment of these residuary functions to the territorial officers of the district administration is the only right method for they are in touch with the people, have sufficient information about them and knowledge of the tract and administrative machinery at their disposal to tackle these items of miscellaneous work ; separate departmental officials will neither have the information nor the necessary knowledge, nor necessary staff to discharge these duties.

These are the general duties and functions of an SDO; but there is a change in emphasis from one State to another and the organization of an SDO's office is also different in different States or groups of States. In Bengal and Bihar, the SDO is always resident in his Sub-Division ; and there are no Tahsildars, no Revenue Inspectors, and no village Patwaries. The Circle Officer's charge is not an administrative unit. The SDO has a number of Deputy Magistrates and Collectors and Sub-Deputy Magistrates and Sub-Deputy Collectors on his staff. The number may range from two to six according to the importance of the Sub-Division. They are usually styled Second Officer, Third Officer and so on. There is a distribution of work among them. The revenue work is very limited in Bengal and Bihar for there are no village records to be maintained or corrected nor land records staff to be appointed and supervised. There are no agricultural statistics as elsewhere. Even the revenue disputes which fall within the exclusive jurisdiction of revenue officials elsewhere are considered in Bengal and Bihar civil disputes for civil courts and the only revenue judicial work which an SDO does is commutation of rent cases, cases of division of holdings, cases of division of produce rent, and cases concerning conversion of tenants-at-will into hereditary tenants. The work, therefore, is mostly criminal, executive and miscellaneous. The Sub-Divisional Officer has the charge of what is known as the general file or police general register in which all police cases are entered. Most of these cases the SDO transfers to Deputy Magistrates or Sub-Deputy Magistrates. The Deputy Magistrates and Sub-Deputy Magistrates on his staff deal with criminal cases and miscellaneous work. They are also in charge of various branches of

the SDO's office. One officer is in charge of the Sub-Divisional Sub-Treasury ; there may be an officer who may be doing *Khas Mahal* work. The other officers are Circle Officers. There may be one or two officers attached for special purposes, e.g., for Civil Supplies or for Elections, etc.

There are a number of clerks in the *mufassal* SDO's office. The ministerial Head Clerk who is usually the Sub-Treasurer. The revenue branch has a number of clerks and so has the Certificate Branch. There is General Department, a Record Room, the Copying Department, the Confidential Section, and there is always a Nazir with process servers and orderly peons. There are some additional sections like the Supply Section, Relief Section, and *Khas Mahal* Section if there is a *Khas Mahal*. When the need arises an Election Section is added. There are the usual Bench Clerks for Courts.

At the District Headquarters there are no officers exclusively and directly on the staff of the SDO as in a *Mufassal* Sub-Division. Everyone is directly under the Collector and the Sadar SDO has also some miscellaneous work. He has a very small office for he depends on the Collector's office.

Even though Bengal and Bihar Sub-Divisions are large, the fact that the SDO here has practically no revenue work as understood elsewhere and has a number of gazetted officers on his staff, a Madras or Bombay SDO may ask whether Bengal or Bihar SDO has full-time work. He has. This is the routine : An SDO would start work after breakfast and between 8 and 9.30 a.m. dispose of papers in the Confidential Section and give dictation. From 9.30 to 10.30 a.m. there will be interviews. From 10.30 a.m. the Court work will start. From 10.30 a.m. to 11 a.m. the SDO will attend to immediate correspondence of the different Sections of the office. Between 11 a.m. and 11.30 a.m. he will hear evacuee cases, house control cases and *Khas Mahal* cases. From 11.30 a.m. to 12.30 p.m. he would receive complaints, pass orders and deal with miscellaneous petitions. From 12.30 p.m. to 1 p.m. he would deal with cases on remands and order for issue of processes in police cases. After lunch from 1.30 p.m. to 2 p.m. he would hear and pass orders on petitions. For the remaining three hours he would take evidence in Cr. P.C. cases. The time table is not so rigid but it would give an idea as to how an SDO's day is

divided up. He would, of course, have to go out on tour and make many other inspections. He deals with miscellaneous enquiries, disposes of Cr. P.C. cases on the spot, presides over schools and dispensary committee meetings, attends to emergencies, distributes pay to *Chowkidars* four times a year at every Thana, inspects Thanas, *Khas Mahal*, *Kechehries*, and works of improvement in *Khas Mahal* areas, inspects Panchayats, Union Boards, minor irrigation works and has some duties in connection with other local boards, and may sometimes be an *ex-officio* member of the District Board and of the Cantonment Board. He maintains general contact with the people. He would, of course, be generally responsible for development and welfare activities.

In U.P. the SDOs are resident at the headquarters of the district (though there are some exceptions), and are, therefore, considered directly on the staff of the Collector. They, therefore, discharge their functions as SDO and SDM in their Sub-Divisions ; but the Collector allots to them miscellaneous duties as well, some of which have already been mentioned above. In addition they are also put in charge of various Sections of the Collector's office. An SDO as such has no office of his own. He has a Reader and a couple of clerks to assist him in his judicial work. He has also a couple of orderlies. But that is all. He sits in a room allotted to him in the Collector's office and depends on the Collectorate staff for clerical assistance.

In M.P. the SDOs have moved out into their Sub-Divisions and function as Chief Executive Officers to the Janapada Sabhas. In matters of revenue, police and justice they continue to function as SDOs. In connection with the decentralization of administration very many powers of the Deputy Commissioner under the Land Revenue Act, Money Lenders Act, Relief of Indebtedness Act, M.P. Tenancy Act, Agriculturists' Loans Act, Debt Conciliation Act, Land Alienation Act, and Land Acquisition Act, have been delegated to them. As a matter of fact, they have been created Additional Deputy Commissioners and Additional District Magistrates within their charges. Yet they have no office of their own worth the name; there is only one clerk and two orderlies. The reason is that for revenue and general

work they depend on the tahsil staff, for criminal enforcement work they take assistance from the Thana staff and for their general duties as CEOs they have the Janapada office which is fairly large. These ADCs/ADMs are the officers who correspond to SDOs and SDMs elsewhere. But in some places a peculiarity is found ; there is an SDO and SDM in between ADC/ADM and the Tahsildar. Sometimes there is one SDO and SDM for two ADCs and ADMs. The main work of the SDO and SDM is to relieve the ADC/ADM of case work specially criminal case work and house rent control cases.

In Bombay the SDO's office is headed by a Srishtedar who is of *Aval Karkun's* grade and then there are usually from two to six clerks (compilations assigned to them). There is a *Naik* and a very small number of peons. In Bombay an SDO has to keep registers which perhaps no SDO elsewhere does ; he has to maintain even a register of visitors which he submits regularly to the Collector. A typical organization of an SDO's office will be as follows ; this pattern will hold good whether SDO is at the headquarters of the District or in his own Sub-Division.

| <i>Designation</i> | <i>Compilation assigned</i>   |
|--------------------|---|
| 1. Srishtedar      | Office supervision, <i>Talathis'</i> and Peons' Establishment and Pension.  |
| 2. Clerk           | <i>Watan</i> , B.N.D., R.T.S., C.A.L., A.G.R., S.T.P., Dead Stock, P.O.L. (Arms and Hotel licences renewal, etc.)       |
| 3. Clerk           | L.N.D., C.T.S., R.E.V., F.O.R., I.R.R., T.N.C., Correspondence.   |
| 4. Clerk           | L.A.Q., M.A.G., V.P.T., P.O.L., L.B.D., M.U.N. and L.A.W., A.D.M.   |
| 5. Clerk           | Supply, T.A.G., D.S.B., P.W.D., R.D.B., LND (Encroachments), Appeals (TNC & Madat) <i>i.e.</i> , arrears of rent cases. |
| 6. Clerk           | Despatch, Typing, Stationery and Library, A.D.M. Bungalows reservations.  |

In Madras the SDO's office is headed by the Head Clerk. There are a number of clerks to whom compilations have been

assigned. There are usually six to ten clerks and a small number of peons.

A typical distribution of work would be as indicated below:

1. Head Clerk (A) Maintenance of D.R., Suits and notice of suits, Inams, Important papers marked by Sub-Collector, General Supervision.
2. B Clerk Land Acquisition (including Harijan Land Acquisition references), Alienation and Revesting, Elections, Evacuees, Census, Civil Supplies, Estates Land Act and Abolition of Estate.
3. C Clerk Village Officers, Encroachments, Assignment and political sufferers assignment, Revenue Records and Registration, Transfer of lands, Transfer of Registry, Copy applications, Revenue Inspector's diaries.
4. D Clerk Contingencies, Pay and T.A. of officers, House Rent Control Order, Stamps, Village Panchayat Court, and Magisterial.
5. E Clerk Loans, Irrigation, Abkari and Prohibition, Assessment, Buildings and petty construction, Rural Reconstruction and Rural Water Supply, Land Revenue, Famine Relief, H.R.E. Board, Well Subsidy (Grow More Food), Harijan Welfare and Rent Reduction.
6. F Clerk Jamabandi, Establishment, Record, Form and Stationery, Forest, Mines, Pay and T.A. Bills of Establishment, Inspection notes of offices, T.A. Bills of subordinate officers, Family Pension (Military) and Miscellaneous.
7. G Clerk Faircopying Typist.
8. H Clerk (temporary) Court of Wards.

Unlike Bengal and Bihar in Bombay and Madras the SDO has no gazetted officer on his staff. He works alone. There



are doubtless Tahsildars below him but they have their own revenue and general functions to perform ; and the SDO himself has very heavy work in connection with general revenue administration and far more strenuous duties in connection with tour than elsewhere. Recently a scheme was introduced by which officers of the standing of Tahsildars were appointed as Additional First Class Magistrates to relieve the R.D.Os in Madras of the greater part of their ordinary court work. This scheme is in force in all the districts except in the Nilgiris.

In Orissa, in the ex-Bengal and Bihar area the Sub-Divisional set-up is like that of Bengal and Bihar while in ex-Madras area it is like that of Madras.

In Assam the position of the SDO is the strongest doubtless due to the peculiar geography of the country and very inadequate means of communications. In Assam a District is usually divided into two Sub-Divisions—one called the Headquarters Sub-Division and other the outlying Sub-Division. The Deputy Commissioner himself holds charge of the Sadar Sub-Division ; and there is a separate SDO for the outlying Sub-Division. This arrangement leaves little time for the Collector to supervise the work of the outlying Sub-Division. Recently there has been a move to appoint separate Headquarters SDOs. The SDO in charge of an outlying Sub-Division in Assam has a number of EACs on his staff and has a fairly big office.

## ***Variation in the Punjab***

In the Punjab the SDO is an exception and not the rule. At the SDO's level in district administration the distribution of work in the Punjab is functional and not territorial. At the district level and the tahsil level the set-up is territorial as elsewhere, that is to say, there is a District Magistrate and Collector (called Deputy Commissioner) and there is a Tahsildar who respectively in the district and the tahsil perform RME functions and are responsible for overall administration of the territories concerned. But at the SDO's level, the work is divided broadly into revenue and magisterial functions for the whole district; the revenue work is assigned to an EAC who is designated as Revenue Assistant and the magisterial work is entrusted to a number of EACs called *Ilaqa* Magistrates. The Revenue Assistant is responsible for all revenue work for the district which an SDO would do in other parts of India; the *Ilaqa* Magistrates perform the functions in the territories of Police Stations assigned to them which would be performed by SDMs elsewhere. There is, therefore, at this level no concentration of revenue and magisterial functions. The Revenue Assistant is practically speaking responsible for the efficiency of the whole revenue administration including land records and land records staff in the district. He is required to tour for six months a year and specially for four months during winter for checking the work of Patwaries and Kanungoes and testing the village records.

He also inspects tahsil offices as far as revenue work is concerned, and he would particularly inspect the revenue record room and the tahsil office Kanungo's branch. He is also in particular responsible for the two important branches of the Collector's office, viz., office of the District Kanungo and the office of the District Revenue Accountant. He is an Assistant Collector of the first grade, as all EACs are ; Tahsildars being Assistant Collectors either of the first grade or of the second grade. He will, therefore, do the usual revenue work which an SDO does elsewhere. But a Revenue Assistant is usually a senior EAC who is invested with many revenue powers of the Collector. He therefore hears appeals in many cases from Tahsildar's decisions. He may also be invested with Collector's powers under the Redemption of Mortgaged Lands Act, Restitution of Mortgaged Lands Act, Land Acquisition Act, and Minor Canals Act, etc. Though his major functions relate to revenue administration in the district, he may be given miscellaneous work by the Collector. He remains a Magistrate of the first class though he is not expected to do much criminal case work, this being left to the *Ilqa* Magistrates.

The distribution of criminal work among the *Ilqa* Magistrates is usually by Police Stations. The *Ilqa* Magistrate tries all police cases of the *Thanas* concerned and also deals with private complaints. But an EAC who is designated as *Ilqa* Magistrate remains an Assistant Collector of the first grade and sometimes the D.C. assigns him some revenue work also. The Treasury Officer who is an EAC is also expected sometimes to do criminal case work. Both the *Ilqa* Magistrate and the T.Os are assigned miscellaneous work and are in charge of the various branches of the D.C's office.

In many districts in the Punjab there is no area constituted as Sub-Division ; but in some other districts there is a portion of the district which is constituted a Sub-Division and is run by an SDO. The rest of the district even here is run on functional basis at the SDO's level. But wherever there is a Sub-Division a Sub-Divisional Officer is appointed by the State Government. Usually a Sub-Division in the Punjab comprises two tahsils. The Sub-Divisional Officer in his Sub-Division performs RME functions and is in charge of overall

administration of that territory just as elsewhere. He has one or two EACs on his staff who relieve him of criminal case work and perform some miscellaneous duties. The Sub-Divisional Office is small consisting of a couple of Readers and a couple of Court Clerks and two or three other Clerks who deal with correspondence from the Tahsil to the District Headquarters which is routed through the Sub-Divisional Office. There are no Nazirs or Naib Nazirs and no process servers. The Sub-Divisional Officer in the Punjab is of the Madras type except that in Madras the SDO has no gazetted officers directly on his staff. The Punjab SDO is not like a Bengal and Bihar SDO because the latter has no Tahsildars, no Kanungoes and no Patwaries under him while the former has. The Punjab SDO is not like a U.P. SDO either because the latter is non-resident and the former is 'resident' in his sub-division.

The merit claimed for the functional distribution of work is specialization. It is, however, important to remember in this connection that it would lead to a specialization only if a particular officer were doing Revenue Assistant's work throughout his service, and similarly an *Ilqa* Magistrate doing magisterial work throughout his service. But this is not so, and the specialization is really in slabs of years, e.g., in the Punjab an EAC would be put on revenue work for five years, and in the next five years' he would be put on magisterial work, and so on. The only difference, therefore, is that while in the territorial system an officer is specializing in both revenue and magisterial work at the same time doing them simultaneously, an officer in the functional system is specializing in each of them at one time in periods of years. Secondly, it is open to question whether magisterial work and revenue work are so different as to require separate specialization. The two subjects are closely allied in Indian administration and have a bearing on each other, and officers can become good in both spheres. Thirdly, it is open to question whether even if such a specialization in separate spheres were possible, whether it would be desirable. Officers by too much specialization separately in magisterial and revenue work are apt to lose the picture of administration as a whole and are not likely to improve their outlook. The administration must be

seen as a whole even if one part of it is to be done well. This improves outlook and knowledge. In administration it is not an expert or a specialist who is needed, but a man who can see steadily the whole of life or at least the whole of administration and bring commonsense to bear on the subject. Fourthly, it may be questioned, in any case, if Deputy Collectors or EACs specialize too much, would they make good Deputy Commissioners who are, after all, territorial officers performing RME functions.

Another merit, however, is claimed for this system and that is, unity of command at the district level. It is pointed out that if there is famine, each SDO would be reporting about his Sub-Division, but, if there were a Revenue Assistant, he would look at the district problem as a whole. It may be pointed out in this connection that the Collector is not too remote to provide this unity, and in any case in the territorial system this difficulty is obviated by appointing senior officers as OCS (officers-in-charge) of various branches in addition to their own duties. It might be pointed out that while a Revenue Assistant may provide unity of command, he may not be able to obtain such detailed information about the whole of the district as an SDO may in his Sub-Division.

On the other hand, the advantage of the territorial system is concentration of power and duties in one person with respect to one area, so as to increase his effectiveness. An SDO dealing with magisterial and revenue work in a territory also emerges as an executive officer, and this combination not only improves the knowledge and outlook of the SDO with respect to his Sub-Division, but he can always bring on one part of administration influence which he derives from another part, e.g., if there is an unusual outbreak of crime, he can press into service the revenue machinery—the *Lumbardars*, the *Patwaries* and the *Kanungoes*. On the other hand, if there is trouble in revenue matters, he can gain assistance from the police side. He can provide effective control on bad characters, because he controls both the revenue and the police sides. His power for doing good and preventing harm is therefore increased. He can also see at the administration as a whole, and if effectiveness of administration is good in India, certainly the territorial system provides it. Secondly, it provides a visible authority to the

people whom they can approach. In India, where illiteracy is the rule rather than the exception, the rural public is likely to be bewildered by distribution of work among various officers, as they would not know who is who. The territorial system is sometimes economical also. One officer touring in a territory can look to various works and perform various functions, while in the functional distribution of work a Revenue Officer has to tour for revenue purposes and a Magistrate for magisterial purposes. Certainly this would not work in big districts where territorial system is the only system that can work. In the Punjab the functional distribution of work has succeeded because districts are small ; but this would not succeed in Madras where distances are long and districts big. Even in the Punjab, there has been a compromise where districts are large and Sub-Divisions have had to be created at places where there is a resident SDO performing all RME functions.

While for historical reasons and owing to smallness of districts, the functional distribution of work has been fairly successful in the Punjab, the territorial distribution of work has prevailed in other provinces. Here also in places like Madras, Bihar and Bengal, the SDO is resident in his Sub-Division, because districts are big, distances long and means of communication not very improved. In the U.P. and Bombay, SDOs have been residing at District headquarters, and this has worked all right because compared to Madras, districts are smaller. But even here, resident SDOs had to be created in districts with far-flung territories.

Again in the Punjab, while there may be no territorial officer at the SDO level, the vacuum has been filled by the enhanced powers and influence of the Tahsildar. So, here also a Tahsildar is not left without an overall territorial officer.

## ***The Collector and District Magistrate***

The Simon Commission Report says : "Apart from exceptional areas such as the Presidency towns, every inch of soil in British India forms part of a 'District', and at the head of every District there is an officer—known in some provinces as the Collector and in others as the Deputy Commissioner—who is in the eyes of most of its inhabitants 'the Government'. The system has some roots in the past. Akbar, for instance, sub-divided all Bengal into sarkars. But until the establishment of British rule, there never existed the settled administration, discipline and strong supervision which are essential if single officials are to be placed in charge of areas as large as Indian districts and allowed the degree of independence which has been given to the District Officer within the limits imposed by law and precedent. The scope of his functions has varied from time to time. The conception of his office, as it became established in Bengal after many experiments, and as it was extended throughout British India, is expressed in the following quotation : 'It is the Lieutenant-Governor's wish,' wrote Sir George Campbell, the Lieutenant-Governor of Bengal, in 1872, 'to render the heads of districts no longer the drudges of many departments and masters of none, but in fact the general controlling authority over all departments in each district... he has, therefore, striven to make the Magistrate-Collector



of a great Bengal district, generally comprising one and a half to two and a half millions of inhabitants, the real executive chief and administrator of the tract of country committed to him, and supreme over everyone and everything except the proceedings of the Courts of Justice."

The Report further states : "The position of the Collectors in the Districts may be reviewed from two aspects; the part which they are expected to play in the administration of their Districts, and the status they occupy in the eyes of the people of the Districts. In its early days, the British administration in the Districts was conducted, as under the systems which preceded it, *by single organization controlling all government activities, and it is this organization which the Revenue Department and the District Officer now represents.* Nowadays, each District has its body of district heads of departments, each of whom looks to his own provincial departmental chief—the Inspector General of Prisons or Jails, the Surgeon General, the Chief Conservator of Forests or the Chief Engineer—for control. But, except in matters of pure routine, the Collector must be informed of almost every activity in all these departments, because it must impinge at some point upon the operation of the primary government agency in the district. The wide range of a Collector's duties has been noted by every writer on Indian administration and is thus described in the Joint Report :

"The district officer has a dual capacity; as Collector he is head of the revenue organization, and as magistrate he exercises general supervision over the inferior courts and, in particular, directs the police work. In areas where there is no permanent revenue settlement, he can at any time be in touch through his revenue subordinates with every inch of his territory. This organization in the first place serves its peculiar purpose of collecting the revenue and of keeping the peace. But because it is so close knit, so well established and so thoroughly understood by the people, it simultaneously discharges easily and efficiently an immense number of other duties. It deals with the registration, alteration, and partition of holdings ; the settlement of disputes ; the management of indebted estates ; loans to agriculturists ; and above all, famine relief. Because it controls revenue, which depends on

agriculture, the supreme interest of the people, it naturally serves also as the general administration staff...Several other specialised services exist with staffs of their own...but in varying degrees the district officer influences the policy in all these matters, and he is always there in the background to lend his support, or, if need be, to mediate between a specialised service and the people.' "

The Simon Commission have conveyed their impression of the general position and prestige of the District Collector as they found it in the following words :

"It is difficult to convey to an English reader how great is the prestige of the Collector of a District among the inhabitants whom he serves. To most of them, as we have said, he is the embodiment of Government. The authority which he derives from his statutory powers is augmented by the constant exercise of advice and direction in matters where he is expected to give a lead. He wields large powers of patronage ; he is responsible for making a vast number of minor appointments, for instance, of village headmen and accountants, of revenue officials and office clerks. His recommendations for honorary magistrateships and nominated membership of all local self-governing bodies are ordinarily accepted. He can grant seats at ceremonial functions such as 'durbars' (much prized as social distinctions), and the coveted Indian titles and honours, and other rewards, are usually conferred at his suggestion. The preservation of this influence is of the utmost concern to the Administration. Many everyday matters which might involve merely tedious disputes, or even civil action, quickly reach conclusive settlement when brought before the Collector. The same influence becomes of manifest public advantage when more serious conflict threatens. It is not by his success in putting down communal riots that a Collector is judged so much as by his success in preventing their occurrence. We have already pointed out in another connection how greatly the influence and authority of a British official was increased in times of communal stress by the circumstance that he wields his powers as a neutral between contesting forces. But, whether British or Indian, the Collector has to call into play, in times of crisis, all his influence through many channels. He threatens, he warns, he remonstrates with

everyone who can stem the rising tide of impending strife. It is not by virtue of his powers as District Magistrate alone that he can succeed ; it is only because, as Collector, he has numerous sources of influence that can be brought to bear in the right quarter. If his range of influence were less varied, he would find it more difficult to prevent trouble."

Though the position of the Collector and his prestige have changed and undergone several modifications, he still remains the responsible head of general administration in his district and the chief representative of the Government in that area. Upon his energy, efficiency, good sense and personal character depends ultimately the efficiency of Indian Government ; and the work of his subordinates depends in a large measure upon the stimulus of his personal example.

In the Regulation Provinces (as they were then known) the District Officer was known as Magistrate and Collector. It is significant that in Madras and Bombay he is called Collector and District Magistrate. It is obvious that in raiyatwari areas the revenue functions of the District Officer are more numerous and more important than criminal functions as compared to zamindari areas. Therefore, the emphasis is more on the Collector than on the District Magistrate. In the non-Regulation Provinces (as they were then known) the District Officer was known as Deputy Commissioner. Though these designations are still retained, there is practically no difference now in the functions and powers of the District Officer. As a matter of fact, all the functions and duties of the District Officer are not comprehended within these two designations, namely, Collector and Magistrate. He has many more functions which are neither revenue nor criminal and it is usual, therefore, in knowledgeable circles to style this official as the District Officer ; in other words he is an overall officer of the district. There is another meaning of the expression 'District Officer' ; this designation is applied to any officer of any department of a district rank, for example, a Civil Surgeon or an Executive Engineer, etc. But when the designation 'the District Officer' is used it refers to the District Collector and District Magistrate.

The District Magistrate and Collector or Deputy Commissioner or District Officer, by whatever designation he may

be known, is either a member of the I.C.S./I.A.S. or a senior member of the State Civil Service who may have been specially selected for this appointment. An officer, therefore, does not become a District Officer unless he puts in a long period of apprentice as Assistant Collector or Assistant Commissioner or Joint Magistrate; and if he is a member of the State Civil Service he would have put in very many years of meritorious and approved service in the State Civil Service before he becomes a District Officer.

The District Magistrate and Collector is an overall RME officer in his district; he is a territorial officer and is resident within his territory in which area he performs revenue, magisterial and executive functions. Though an SDO and a Tahsildar are also overall RME officers in their areas, the Collector in his district enjoys a special position. He is the chief representative of Government in his district in a sense in which no other officer is. His main functions and duties may be described under the three heads—RME.

### **Revenue Functions**

These may be sub-divided into (i) Non-judicial administrative or general, and (ii) Judicial or quasi-judicial. Under the first sub-head his functions and duties are more or less of the same type as those of a Tahsildar in a tahsil and an SDO in a sub-division; except that the Collector is responsible for inspecting the work of Tahsildars and SDOs ensuring that these two officers perform their own duties. A fairly good, though brief, idea of these functions of the Collector may be got by referring to the relevant portions of the Chapters on SDO, Tahsildar, the Patwari and the Land Records, the Settlement and the Land Systems. Briefly a few items may be noted here. The main duty of the Collector is the collection of land revenue; he must justify his ancient title. The procedure of collection of land revenue has been described in the Chapter on Settlement. In Bengal and Bihar this procedure is simple, while elsewhere collection has to be made from a much larger number of landholders under a system of coercive processes some of which can be issued only by the Collector. In raiyatwari areas the Collector is specially responsible for ensuring that Jamabandi work is done every year; in fact

every year he does Jamabandi work himself respecting a portion of the district. The Collector is responsible for the proper maintenance of accounts of the collection of the land revenue. As a matter of fact, he collects Government dues other than land revenue, as has been indicated in the Chapter on Tahsildar. He is thus to a large measure Government's chief collecting agency and maintains accounts of Government dues and their collections.

Then comes his duty of supervising a very large number of land records staff in the district and ensuring proper maintenance, check and correction of land records. Like the Tahsildar and SDO, he tours and applies spot check and inspection to the land records in villages. He assesses the work of the Patwaries ; and checks the quality and extent of the supervisory control exercised by the Tahsildars and the SDOs. As he sits in his office, he receives numerous reports on land records from the land records staff : Kanungoes, Revenue Inspectors, Tahsildars, SDOs and special agencies of the land records department. On the basis of these he passes general or particular orders to maintain and improve, if necessary, the efficiency of administration. This work is very important for the rights of the millions of the people are concerned ; the work is heavy and tedious and requires detailed applications and very conscientious approach if the system of land records so carefully and painfully built up is to be maintained. He is also responsible for consolidation of various village statistics for the district and for the timely submission to higher authorities of a very large number of periodical returns. From his spot inspection and as a result of reports and periodical returns, he keeps in touch with the fluctuations in agricultural prosperity in the rural areas of his district and is responsible for taking and suggesting such remedial action in time as may be necessary. Some of the items which must receive his attention have been enumerated in the Chapters on Tahsildar and SDO. He will take note of variations in rental demand, in the state of collections, in cultivated areas, and condition of tenants. If there is a progressive decline in the cultivated area or there is an abatement of any valuable crop, he must think out the reasons and apply the remedies. Statistics may reveal a decrease in the

facilities for irrigation ; for example, old wells may be going out of commission ; he would investigate into the matter and perhaps provide essential material for repairs if their scarcity has been the reason for the decrease in the number of wells. He would notice sudden fluctuations in the areas cultivated by landlords or tenants of different classes ; he would also take note of any development by which commercial classes are ousting the agricultural classes from land. Record concerning the sales and mortgages of land and surrender of fields will provide him a pointer in this connection. It is these examinations which led to a series of Debt Relief legislation all over India. He may find that double crop area is decreasing or he may find that for some reason or the other total available land is not cultivated ; he must investigate into these matters. Sometimes he will notice that a commercial crop is supplanting a food crop ; perhaps this would be because of the higher prices obtainable for commercial crops ; but this is a dangerous development, he would examine the position and suggest a remedy. Such examinations have led to the lowering of prices of sugarcane. He also makes his comments in the various *pargana* and circle books. But apart from this general ordinary check, he would have to pay special attention to agricultural calamities when they visit the district. Some of these are drought, floods, water-logging, spread of weeds (*e.g., kans*), cutting back of revenues, soil erosion, ravages by wild animals, disease and insect pests of crops, serious epidemic cattle diseases, locusts and many other calamities. There will be no year in which one or more of these will not pose a problem to the District Collector. These have to be taken note of, and preventive and remedial action taken. The Collector and land revenue staff would be assisted by the appropriate departments. Sometimes these calamities will assume phenomenal proportions. Agricultural loans (*tacavi* or *tagai*) will be distributed by the Collector and his staff ; relief work will have to be taken up on a very extensive scale in case of a famine, camps may have to be opened, food and clothing provided and general health arrangements to be looked after. Seeds will be distributed, cattle and agricultural implements may have to be supplied, land revenue and rents would be remitted or suspended.



The District Collector and his revenue staff were the first to take upon themselves welfare activities. In the public mind in rural India the Collector has been from the beginning associated with welfare work. In point of fact the Collector in Indian administration was the first welfare officer. If cattle die in large numbers, crops are destroyed as a result of insect pests, locusts invade the district, rainfall fails; cholera, plague and small-pox take a heavy toll of human life, the Collector always takes remedial measures which are in the nature of welfare activity. More than that the people always expect the Collector to do so and they would look to him for relief not only in times of public calamities but in times of local troubles and even in personal difficulties. The fact that the District Collector is a welfare officer has been accepted by the public always and there could be no better testimony to Collector's welfare functions than this. In this connection it is significant to note that a District Collector never forgets about rainfall and crops. When there are rains or they fail he always connects this with the likely result on crops. His main conversation with visitors is not crime or collection of revenue but rainfall and crops. Though he collects revenue and may, therefore, be called a tax collector, this activity does not make the Collector in public mind something to be dreaded about; land revenue is paid as a matter of habit now and is considered a just and certain demand. If people will approach the Collector in this regard, they will do so to get extension of times to deposit their dues which they usually get. Nor do the Police activities of the Collector loom large before the mind of rural India; the usual work of control, prevention, suppression and prosecution of crime is done by the police staff which constitute a distinct department. The Collector usually comes in at policy level and inspection level and in emergencies. Even here the public approach him to get an alleged, imagined or real grievance against the police official redressed. To rural India the Collector has always meant predominantly an officer who would solve their difficulties, an officer to whom they could always go for action and help and an officer who would always come to their help and rescue in many troubles to which rural India is exposed. The Report of the Bombay



State on 'Land Revenue and General Administration and Managed Estates, 1947' says : "In spite of all that has been recently said to the contrary, the Collector is still the interpreter to the people of his district of a system of Government designed to be paternal and benevolent. He has wide opportunities of doing lasting good to the people. It is not only in times of famine and epidemics that he does a great deal and grants relief and help to those who need it. Both at headquarters and in the course of his tour, he is ready to listen to all complaints and grievances and does his best to remove them. Nor is it the case, as is sometimes alleged by those who have little knowledge of rural areas, that the Collector, the Prant Officers and the Mamlatdars are looked on by the people as hard tax gatherers and little else. Rather do they appear to the people as dispensers to the best of their ability of justice and help and as a rule will obtain the willing and friendly cooperation of all classes."

The power of appointing and dismissing of village officials including Village Headmen and Village Accounts belongs to the Collector ; though these powers have been usually delegated to the SDOs and Tahsildars. But the Collector still retains appellate authority in these matters. He controls the entire revenue staff in the district. He makes a large number of appointments of clerks and peons in various Tahsil, Sub-Divisional and District and connected offices ; punishes them ; promotes them and transfers them and writes their confidential rolls. He has disciplinary control over SDOs and Tahsildars and writes their character rolls. He may transfer a Tahsildar from one Tahsil to another in his district and in some States he makes and unmakes SDOs. He has constantly to inspect various offices and report on the work of various officials. He inspects every Tahsil and every Sub-Divisional office, apart from his own. Not only he has to perform his own statutory and administrative duties but he has also to ensure that the huge revenue establishment does its work and he constantly supervises and inspects their work. He is also responsible for allotment of work among the gazetted officers on his staff.

The District Collector is specially charged with looking after Government interests and Government property. He must prevent encroachment on Government lands ; must

maintain minor irrigation works in good repair and generally should look after the proper maintenance of all Government property. He should pay special attention to revenue-free-grants so that when these lapse necessary action may be taken and Government does not suffer any loss. In the State of Bombay this work is broadly heavy. *Inam* land is held on various conditions, and any development may make it liable to revenue. The Collector has to ensure necessary action. There are one hundred and one ways in which Government interests in land and revenue have to be safeguarded. It is the unique privilege of the Collector that he stands between the Government and the public and both trust him. Apart from these general functions, there are a host of duties in the field of revenue and general administration which are laid on the Collector and his staff; and these are so numerous and so bewildering in variety that it is not possible even to make a reference to them, not to speak of classifying them. They are usually mentioned in the Board's standing orders or the Financial Commissioner's circulars and revenue manuals of various States.

Under the second sub-head the Collector is concerned with two types of cases. One type are the mutation and correction cases and the other land revenue suits. Both these types have been described in the Chapters on Tahsildar and SDO. The Collector's functions usually in this sphere are appellate, though some land revenue suits are heard by him as a Court of original jurisdiction. Appeals from Collector's decision lie to the Divisional Commissioner, Board of Revenue or the Financial Commissioner. Mention may be made here of some other major types of revenue work, though it is not possible to make the list comprehensive. Partition cases are usually heard by the Collector or some senior officer invested with the powers of a Collector in this behalf. Same is the case with acquisition of land. A large amount of work is done under the Waste Land Rules. Of late much work has fallen on the Collector and his staff in connection with consolidation of holdings. It may also be added that a District Collector also carries out temporary short-term special settlements, for these settlements separate Settlement Officers are not appointed. These settlements are resorted to in the following cases :

1. When alluvion and diluvion make long-term settlements unworkable ; and therefore short-term settlements have to be made for five years or ten years.

2. When a revenue-free-holding is resumed or lapses and revenue has to be fixed.

3. When estates are formed by colonizing waste which was hitherto unassessed.

4. When ordinary lease or grant of waste land is made and assessment becomes necessary.

5. When any assessment is annulled for arrears of land revenue, etc., etc.

To the reader who has read the previous Chapters it would strike at once that the revenue work of a Collector in Bengal and Bihar is very much limited as compared to the work of Collectors in other States. In Bengal and Bihar there are no land records and no Patwaries and no Kanungoes or Tahsildars. There is, therefore, no work concerning the maintenance of land records and supervision and control of the three levels in the district, viz., Patwari, Kanungo and Tahsildar. Even on the judicial side the bulk of case work which goes to revenue Courts in other States is considered civil matter in Bengal and Bihar and, therefore, goes to Civil Courts. The Collectors and SDOs functions, therefore, on the revenue side in Bengal and Bihar are limited. To that extent the Collector and the SDO in Bengal and Bihar are less informed of the conditions of rural life in their charge. The Chapter entitled 'Variation in Bengal and Bihar' may be seen.

### **Magisterial**

As District Magistrate the District Officer has two-fold functions—judicial and non-judicial ; but he does not find time to do much criminal case work ; this is usually done by first, second, and third class Magistrates on his staff including Sub-Divisional Magistrates and Tahsildars. He takes on his file, however, from time to time specially important criminal cases, e.g., cases where some high official is accused of corruption or there is a big scandal concerning some big business, etc. In some States he hears criminal appeals from the Courts of 2nd and 3rd class Magistrates.

It is in the general criminal administrative sphere that the

main functions and duties of the District Magistrate are concentrated. His is the duty to maintain peace and order in the district. He has wide preventive powers under the Cr. P.C. which are sometimes supplemented by special powers of detention without trial. Peace is disturbed in many ways and it is for the District Magistrate to take all preventive and punitive action. If he cannot prevent breach of peace, he must suppress it effectively, arrest its duration and minimize its intensity.

The criminal administration of the district rests on four pillars, viz., Magistracy, Police, Prosecution Agency and the Jails. And the District Magistrate is the head of the criminal administration of the district. The District Magistrate, as chief Magistrate of the district, supervises the work of all the Magistrates in the district; all these Magistrates are subordinate to the District Magistrate. The District Magistrate cannot interfere with the judgment of a trying Magistrate in a case, but he scrutinizes the disposal of cases by Magistrates and is responsible for seeing that cases do not get old. If any case gets unduly prolonged he asks for the explanation of the trying Magistrate. He also distributes work among various Magistrates. In the field of general criminal administration he utilizes their services as he thinks best in emergencies, festivals and other important occasions which may threaten breach of peace and he orders their postings to various places.

As regards the Police he controls and directs all police action. A somewhat detailed description of the District Magistrate's functions and powers in the criminal sphere would be found in the Chapter on the Police and the Magistracy. As regards the prosecution agency he is responsible for the efficient conduct of all Government cases whether in the Courts of Magistrates or the Court of Sessions. The Government Pleader who conducts cases in Court of Sessions is appointed by Government on the recommendation of the District Magistrate. He and the other Police Public Prosecutors functioning in Magistrates' Courts keep the District Magistrate informed about the conduct and progress of all police cases. Every morning the Police Public Prosecutor submits to the District Magistrate a list of cases tried the previous day by various Courts showing among other things acquittals, convictions and

sentences. The D.M. is responsible to take all necessary action to ensure that Government cases are properly prosecuted in various Courts. Government appeals are filed on the recommendation of the D.M. All criminals on conviction end up in jails ; the D.M. has wide powers of control and supervision in the management of District Jail and Sub-Jails. A somewhat detailed description of these duties will be found in the Chapter on the Jails.

It is because of the headship of the District Magistrate of the criminal administration of the district and his coordinating powers, position and influence that these four separate Departments and separate agencies engaged on the common task of punishing crime and maintaining law and order, work in unison and as an integrated whole ; and are in fact merely four branches of the criminal administration of the district.

The State Government, therefore, addresses various secret and confidential orders and instructions to the District Magistrates on general policy of criminal administration. These instructions are sometimes of a permanent nature and sometimes relate only to a temporary emergency. It is for the District Magistrate so to coordinate the activities of the various branches of the criminal administration of the district as to give effect to these orders and instructions of Government.

### **Executive**

Of executive functions there is a group which are executive in the literal sense of the word. They are executive functions in connection with the execution of Government policies. Government policies on major and minor public issues including the welfare sphere are initiated from time to time ; but Governments whether Central or States are only policy-making and supervisory bodies. Their policies are executed at the district level. It is the district administrative machinery with its five levels which directly impinges on the public. The burden of executing all public policies, therefore, falls on district officials. Government may formulate a National Savings Scheme, or a Grow More Food Campaign or may launch upon a Panchayat Scheme ; it may pass legislation in the interests of backward classes and aboriginal tribes ; it may initiate a scheme of more:

primary schools and more hospitals ; in order to encourage agriculture it may institute a scheme of rewards to good farmers ; it may decide upon expanded defence forces involving further recruits ; it may launch a policy of prohibition ; it may start the work of rehabilitating the refugees ; in every case the policy will be executed by the District Collector and his staff with the assistance of such departments as may be concerned. Some schemes may be so specialized that the department concerned may be the executing agency but here also the help of the Collector and his revenue staff would be necessary. Great work is involved in the execution of these policies and the Collector has to bring to bear on his work all his powers, influence, persuasion and coordination of activities of various departments. Because the Collector controls the hierarchy of officials who reach down to the villages, because through the revenue staff and land records he is kept constantly in touch with conditions of rural life in his district and because of the exercise of the revenue and magisterial functions, he is already in touch with the public and public activities and carries certain amount of influence, he is by virtue of his staff, knowledge and influence the most effective instrument for executing any policy that may be worthwhile to execute. This last factor, viz., influence, points to the administrative experience that mere legal powers concerning a subject to be dealt with administratively in a public and social context are not sufficient to bring about necessary results and the secret of effectiveness is the concentration in one agency of functions in various fields so that exercise of powers and functions in one field help similar exercise in another field. To quote again the Simon Commission Reports : "It is not by virtue of his powers as District Magistrate alone that he can succeed : it is only because as Collector, he has numerous sources of an influence that can be brought to bear in the right quarter. If his range of influence were less varied, he would find it more difficult to prevent trouble", and it may be added to achieve results. This condition of success holds good only in the case of Collector and no other departmental official. That is why even when a separate department or separate officials are created to execute a certain policy of Government, these



departments and these officials are closely associated with the Collector.

The other group of executive functions belong to the category of separate activities which has been allotted to the District Collector because he is the chief representative of the Government in his district. He must, therefore, keep the Government informed of all happenings in the district and for this purpose sends to Government confidential letters from time to time. On the other hand he must also keep the public informed of the intentions of Government in formulating various policies on many public matters. He acts as the link and the bridge between the Government sitting at the headquarters and the people living in the district. He also advises the Government on all new schemes. Various expert and technical departments are well qualified to advise Government on the technical aspects of policies and schemes concerning their departments, but Government activities impinges on the whole life of the people and the Collector takes the central and layman's view of things while advising the Government. The material on which the Government action impinges is human and there are many matters which are more obvious to a general administrator than to technician or expert. The Collector takes into consideration the whole range of Government policy as it impinges on the whole range of the public life.

The District Collector because of various considerations mentioned above has to assist various departments at the district level in their work and has also to coordinate their activities. Something about this has been said in Chapters on SDO and Tahsildar. When plague or cholera breaks out or cattle diseases upset rural life or agricultural calamities visit any tract of the district, it is not one department that is concerned in the matter, but various departments have to act in unison and to make their own contribution to bring about the desired results. It is the Collector and his revenue staff who necessarily give the lead and coordinate the activities of the various departments and very often a Collector (for many departments have no village level officials) provides the village staff and also legal powers under various Acts. The Collector has to take lively interest in all departments



but in particular in the departments of Agriculture, Animal Husbandry, Public Health and Cooperatives. Where a collector precisely comes in the set-up of various departments, how and why he assists the departmental officials is described in the Chapters on various Departments. There also are described in some detail Collector's direct and indirect responsibilities and powers concerning those departments.

On the same principles on which the Collector is associated with various departments, he is also associated with non-official advisory committees which have been recently set up better to execute development activities. The Collector is usually the Chairman of various non-official committees where non-officials as well as departmental officials are represented. The organization and functions of these committees are described elsewhere. The object is not only to associate various departments together but also to associate officials with non-officials. Here again Collector's headship has been found to be indispensable. He is the best man to answer to Government on various departments to the points raised by non-official members and he is also the most qualified man by virtue of his work to appreciate their point of view and he is the best cementing force.

As the local representative of the Government, the Collector has various duties in relation to Local Self-Governing bodies including the Panchayats. Collector's functions and powers in this regard are described in the Chapters devoted to these Local Bodies. Most of the correspondence of the local bodies to the Government passes through him and he has many duties in connection with these bodies both of a general type as well as detailed and specific duties.

He is also charged with Government publicity and has numerous duties under the Press Acts.

As the general and most effective officer in the district, he has been given various miscellaneous duties. Some of the more important ones are elections to the various self-governing bodies from the Indian Parliament to the Village Panchayat, census of men and beasts, rent control, house allotments schemes, industrial disputes and cinemas and entertainments. He is President or Patron of many committees which may include such bodies as support committees, receptions

committee, exhibition committees and school committees and he has much work under the Factories Act, the Stamp Act, etc. There are various Acts which need enforcement and this work falls to the lot of Collector. He is called upon to enforce the Temple Entry Act and the Removal of Social disabilities Act. Some of the executive functions of Tahsildars and SDOs have been described in the Chapters on those officials and these functions belong to the Collector as well. In fact every work which is not specifically assigned to a department is Collector's work. From an earthquake to the visit of a distinguished visitor, the Collector has a range of varied duties difficult and easy, urgent and routine, connected with welfare of the people and not merely the maintenance of law and order ; these he must perform to the best of his ability. Then he must prepare answers to questions put in Legislative Assemblies, must find time to sign certificates of good character without which a person could not be appointed to the IAS or could not get a military contract, and he must have satisfactory dealings with the Army if it is stationed in his district or if it is marching through his district ; and indeed there are some functions which have been assigned to him not because they belong to revenue, magisterial or executive sphere but simply because the Collector is there to discharge them. Such is the case with the performance of civil marriages.

And while all this work goes on from day to day, sudden major problems and movements arise from time to time which keep the Collector busy by throwing additional work of a very strenuous nature on him. For example, there have been various political movements from time to time, very severe famines, the epidemic of influenza in 1918 which killed over 12 millions of people, the economic troubles after the first and second world wars, the post-partition trouble ; communal and political. All these have meant work. He must meet every emergency and while his staff is available to him to share his work, they cannot share his responsibility ; the responsibility must remain the Collector's.

And as if this were not all, several minor departments have been put directly under the District Collector. The principle is the same. In case of major departments this association is minimum but in case of these minor departments

the association is complete. These minor departments dealing with important public activities cannot have enough influence with the public to discharge their duties nor could they have adequate independent staff to reach down to the villages. Because of their direct association with the Collector they function more effectively with less staff and less powers. They draw largely on Collector's staff, his powers and his influence ; and benefit by his guidance. These departments are described in the next Chapter.

## ***Some Minor Departments under the Collector***

As indicated in the last Chapter the Collector has, apart from his main revenue, magisterial and executive functions, more or less direct control and responsibility for a number of administrative activities which can properly be described as constituting a number of minor departments. These minor departments and their staff at the district level function under the Collector, though at the state level there may be a separate head of department and he may also have some regional deputies. The strength of the staff of each department varies according to volume and functions attached to it ; but usually in organizing these departments the assumption is that the normal revenue staff under the Collector would be available for performing some of these duties as well. Therefore, in many cases these departments have no staff of their own at the village level or even the circle level and the work is done by the Patwari or the Kanungo. A certain share of work done by the Tahsildar and his staff and the SDO and his staff. In any case the Tahsildars and SDOs are expected to provide guidance and assistance to these officials in their work. The position, therefore, is that though these departments have separate entities and have their own staff, yet they are very closely related to Collector's office and the various levels of revenue and magisterial authority in the district. There are variations.

on this position. In some States these departments are so closely related to Collector's office and his staff that to a casual observer they might appear as sections in the Collector's office. Elsewhere they are more separate and distinct. The district heads of these minor departments are usually gazetted officers and function as Assistants to the Collector. In case of some departments these officers are borne on a separate departmental cadre ; in case of other departments they are none else but Deputy Collectors and Tahsildars put on these duties. These departments constitute very important activities and the picture of district administration could not be complete unless some description is given of some of these departments.

### **Rationing**

The Rationing Department came into being as a result of scarcity of food and other commodities occasioned by the second world war. Because of this scarcity, it was necessary for the Government to ration these commodities so that every one got something, speculators were held at bay and prices maintained at reasonable level ; specially in case of food this was imperative. In this connection it will be useful to define a few expressions :

"Provisioning" is a scheme under which Government sets up fair-price shops in those areas, specially towns, where there may be a scarcity of foodgrains or other commodities, so that people may buy their requirements from the fair-price shops at reasonable prices fixed by Government. Commodities stored in these shops are Government property. Cards are distributed to the people and maximum quantity per unit is fixed. But this is not a rigid or complete scheme and is really resorted to relieve distress and help in stabilizing the market. For example, only coarse foodgrains will be supplied from these shops or coarse cloth. The idea is that the poor section of the population will at least get the bare minimum in quality and quantity so that they are not left to fend for themselves ; also a certain load is taken away from the demand in the open market and this helps to stabilize the prices. In any case it is necessary to ensure that no one dies because of non-availability of foodgrains at reasonable rates.

"Partial Rationing"—It is a scheme under which a section

of the people in an area are put on rationing ; usually on the basis of incomes. The lower income groups would become entitled to regular rationing ; the other groups would be left alone to satisfy their demands from the open market. This is an improvement on provisioning and has many merits of the Provisioning Scheme ; but the situation may arise where a commodity has to be rationed for all people in an area either because no income groups can get the commodity at reasonable prices or it becomes necessary to ration all people to regulate and stabilize the market. It is obvious that there may be certain difficulties in rationing some people and not others. As long as a section of people are asked to buy in the open market at any rate, prices would continue to be pushed up and the producers will always like to divert their produce and goods to the open market, thus making it difficult for Government to procure supplies at reasonable rates for running its rationing scheme. The basic truth is that prices cannot be controlled unless the stocks are controlled. Therefore, a time comes when it is necessary to convert "partial rationing" into "cent per cent rationing". Under the scheme of "cent per cent rationing" all the people of a certain area get entitled to the benefits of rationing. There is a difference between "cent per cent rationing" and "total rationing". Under "cent per cent rationing" every one gets a quota of supplies at fixed prices from Government shops or licensed shops, but the open market is not closed to the consumers ; it is open and people can supplement their rations by buying in the open market at market prices. It means that the Government takes care to provide a minimum to every one but does not completely control the market ; it procures commodities and goods from the producers under a Procurement Scheme, pays a price to producers which is fixed by Government after full consideration ; and retails out these commodities and produce at prices which are slightly higher than procurement prices in order to cover transport and administrative expenses. For the rest the producer is free to sell to dealers and retailers in the open market. Therefore, a controlled market and a free market exist side by side. This has certain merits but it has also certain disadvantages. If in the free market the producer can get better prices he is loath to part with his

produce in favour of Government at Government rates and procurement becomes very difficult. Therefore, in cases of great difficulties and crisis and in case of very necessary commodities the Government resorts to "total rationing". Under "total rationing" the free market in that commodity is gone. Therefore, no person can supplement his rations because no open market exists. In point of fact there may be a market and this is known as 'black market'. It is an illegal market and usually prices paid are very high. The market flourishes because the rations are inadequate and have to be supplemented, or/and this is the more common reason, certain persons want to have more than their equal share.

Rationing is fixing and supplying through Government machinery the requirements of an individual in terms of a commodity. Any commodity can be rationed. The Indian administration has, however, been mostly concerned with the rationing of foodgrains. For a short while some other articles like cloth and sugar were also rationed but in the administrative context, rationing is best understood as rationing of foodgrains. The following stages are involved in bringing about a scheme of rationing. First the Government through its District Officers assesses the condition in various areas and decides whether any area should be put on rationing in respect of a commodity. The District Officer would carry out a careful survey, *e.g.*, if it is a case of foodgrains he will find out whether the area is surplus or deficit in foodgrains, what is the general condition of the people, what is the nature of scarcity and whether it will last long or is only a short-term emergency. In a short-term emergency, emergency measures alone need be taken. On a consideration of all these factors, the Government decides whether an area is to be rationed. The Government would then notify declaring that area to be a "rationed area" or "rationed town" or "regulated town". Then in that area the people and households will be enumerated. The important information as to how many are adults and how many are non-adults is noted, for this has a bearing on the quantities to be supplied. Then a unit is fixed. Either an adult is one unit, in that case the non-adult will be half unit; or, the non-adult may be considered one unit and in that case the adult will be two units. Then will be decided



the composition and overall limit of a unit's quota. These two things are distinct. The overall limit is in terms of the weight of the foodgrains which can be drawn by a unit during a period, but the composition lays down as to what kinds of various foodgrains can be taken within that limit and in what proportion. For example, daily quota of a unit may be eight chhatanks of foodgrains. This is the overall limit ; but one cannot draw all wheat or all rice. There would usually be a regulation about the composition of this quota. This would prescribe that out of eight chhatanks not more than four chhatanks may be taken of wheat or five chhatanks of rice and the rest should be made up by coarser foodgrains. While the overall limit varies only slightly in various areas, the composition differs from place to place according to the eating habits of the people from one area to another.

"The Rationing Period"—It is a technical term. This is the period for which the quota can be collected together at one time within this period. It is obvious that people cannot be asked to buy foodgrains every day. At the same time they cannot be allowed to collect arrears indefinitely ; reason being that if they have been able to eat without drawing their quotas, the basic objective of the scheme is achieved which was to prevent starvation. If people were allowed to collect arrears indefinitely, this will lead to hoarding and reselling. Therefore, the "Rationing Period" is usually a fortnight or a week. On any day during this period the rations due for the whole period can be collected ; but if they are not so collected and the period is over the quota lapses. The rations are issued on cards which are distributed by the Rationing Department. There may be a single card in the name of the household in which may be included the names of those who are members of his household ; else every member may have a card. Apart from the names and addresses and ages, units are given and there is space for making entries of issue of rations. Then these cards are attached to various shops so that one cardholder can get his requirements from one shop. The demand on that particular shop is, therefore, known and Government from its storage and issue godowns provides foodgrains to the shop and keeps an account. The shop is usually a private dealer's shop who has been in this business before and is

licensed by Government to do business under the rationing scheme. If a free market remains other dealers in the commodity can continue operating in the market on their own.

Rationing Department in the district is headed by the District Rationing Officer who has various designations from State to State. There are various Town Rationing Officers and Assistant Rationing Officers. Rationing of foodgrains is usually confined to urban centres. If any rural areas have to be looked after this is usually done under a Provisioning Scheme. Below the Rationing Officers are the Inspectors and a large number of inferior staff. There is separate staff for storage godowns and issue godowns where foodgrains are stored and cleaned before issue to the licensed shops. The District Rationing Officer has a fairly big office staff and accounts branch. Shops are constantly inspected to ensure that accounts are properly kept, that stocks and issue registers have been properly maintained and that the foodgrains which are sold to the card-holders are clean and nothing has been mixed with them. On the proper, honest and efficient running of the Department depends to a very large measure the well-being and satisfaction of the people and popularity of the Government.

### **Civil Supplies Department**

While foodgrains were usually rationed, other consumers' articles which were in short supply were controlled and distributed through a separate Department called the Civil Supplies Department. In some States both the State head and the district head combined the charges of the Rationing Department and the Civil Supplies Department. The articles which this Department handled were in the main cloth, yarn, cement, coal, bricks, kerosene, paper, iron and steel. As the articles were in short supply, Government tried to ensure that persons who really needed these articles got them and got them at reasonable price. This prevented speculators from coming in. Government fixed prices usually ex-factory or on the consideration of landed cost. Retail prices were also fixed by Government. Government arranged for the delivery of goods to various consignees in the district and the Collector arranged for the distribution of these to retailers who were licensed by him to

retail these articles. Thus the goods were available and the prices were fixed. In making the distribution scheme the intention was that nothing went to the black market and everything went in fair proportion to the people who had genuine need for these articles.

The distribution scheme had many variations : one was the permit system. Needy people applied for various articles stating the quantities required by them. The officers of the district Civil Supplies Department under the general supervision of the Collector issued permits in the light of stores available. To take a concrete example, every quarter a certain amount of cement was received in the district ; various people applied for permits for repairing and constructing their houses or for making a well or for some other purpose ; these applications were all scrutinized and a fair distribution was made. The permit system was more or less a rough and ready method for distributing articles to the right persons in the right proportion. As a matter of fact the permit system had even a more rough and ready form than this when the only thing done was to ask shopkeepers not to sell certain articles to the same person beyond a certain quantity during a certain period. Nothing else was done. Howsoever crude and elementary, the permit system did achieve the result of diverting a fairly large proportion of articles received by the trade in the district to needy persons and the system also kept a check on the local dealers who could not create an artificial scarcity by concealing the stores.

At the base of all this control is price fixation. There is not much point in distribution if the prices are not fixed at reasonable level. On the other hand, mere price fixation does not help unless distribution, in fact, is effective at those prices. The Government, therefore, first fix prices of commodities in short supply and then evolve a scheme of distribution which range from the elementary kind of permit system to the most developed scheme of "total rationing".

#### **District Soldiers, Sailors and Airmen's Board**

At the Centre there is an Indian Soldiers, Sailors and Airmen's Board and in every State there is a State Soldiers, Sailors and Airmen's Board. The Governor of the State is the Chairman of the Board and the members representing civil

services, armed forces, ex-servicemen and influential non-officials are on the Board. At the district level the organization of the Soldiers, Sailors and Airmen's Board is uniform except in Madras where it is somewhat different. The District Soldiers, Sailors and Airmen's Board is presided over by the Collector of the district who is the President of the Board. Members are drawn from district officials, servicemen and ex-servicemen and influential civilian classes. The object of the Board is to promote recruitment to the three branches of the Service, look after the general interests of the families of active soldiers and look after the interests of the retired soldiers. The work of recruitment goes on whether it is peace or war ; but during emergencies this becomes very important and heavy work ; meetings are organized at various places, special appeals are made and the revenue officials are pressed into service. Soldiers on active duty have to leave their families behind and in their absence many problems may arise like litigation, land disputes, ejectments, harassment of families, difficulty in the education of children, etc. ; the soldier on active duty cannot function efficiently unless he has a reasonable assurance that his interests at home are being looked after. The Board therefore receives such complaints either from the members of the family or from the soldier and tries to help. The Board may arrange for legal advice, it may get a scholarship for the soldier's son, it may ask for the good offices of the Collector in settling a dispute or preventing harassment. When the soldier or sailor or airman has retired he may have various kinds of difficulties : there may be difficulties about getting pension or collecting allowances ; there may be difficulties about getting an employment. The Board tries to assist the ex-servicemen in all these matters. In particular, it helps wounded and invalid soldiers and widows.

Apart from these main functions, the Board has an office to look after. Sometimes there is a Rest House attached to the office where the soldiers can come and stay. Sometimes there is a small library in the Rest House. The Board meets from time to time to transact its routine business, to sanction expenditure and utilise grants, to consider complaints from soldiers and ex-servicemen, to pass resolutions on various points that may be brought before it and also apprise itself of results of action

taken and the progress of various schemes which may have been put into practice to help ex-servicemen and their families.

### Court of Wards

The Court of Wards looks after the estates of those proprietors who cannot manage them well because of some reason ; for example the new proprietor on the death of the old proprietor may be a minor incapable of managing the property or the proprietor may be a lunatic or the proprietor, by the reason of certain vices or because of having fallen into evil ways, may be unable to manage the property or he may be heavily indebted ; in such cases the State Government may, by a notification, take over the property for management. Though the proprietary title remains with the owner the Government for the duration has all the rights and liabilities of an owner in respect of the property concerned. The management is given to the Collector of the district. He manages the property ; lets out land and ejects tenants ; collects rent and pays revenue ; takes all measures for the efficient and profitable management of the property ; tries to clear incumbrances and liquidates debts and looks after house property. The Collector is responsible for the education of minors. The owner and the other members of the family are given maintenance allowance. In this the Collector is helped by a special Manager. He is also advised by an advisory committee on which are represented, landed gentlemen. When the disqualification for which the estate was taken over by Court of Wards is removed, the property is handed back to the owner. For example, the property would be handed back to the owner when he becomes a major or when the debt is liquidated or when the owner has improved himself, depending on the type of disqualification attached to the property. Collectors are expected so to manage the estate as to be not only profitable and economical but also setting an example to other proprietors specially in the matter of relation with cultivators and works of improvement.

At the State level this work is looked after either by the Board of Revenue or by a Court of Wards which is usually presided over by a senior official and on which are represented officials and non-officials.

Consequent on the abolition of zamindari, this department has been abolished.

### **Excise**

At the State level the Excise Department is either in charge of the Board of Revenue or is headed by an Excise Commissioner. Usually the State is divided into a number of regions each in charge of an Assistant Commissioner of Excise. All these belong to the Excise Department ; but the District Excise Officer may be a departmental official or may be a Deputy Collector. This District Excise Officer performs many functions of the Collector under the Excise Act and Excise Manual. Excise Inspectors function under his supervision. The duties relate to supervision of warehouses and distilleries, inspection of licensed shops for sale of liquor (country or foreign), ganja, opium, charas, etc. enforcement of excise rules and prevention, detection and prosecution of excise offences. The excise revenue is collected by the revenue staff.

A lot of work is involved in this ; but the scheme of prohibition has changed the nature of work in prohibition areas. Under the Prohibition Scheme there are no private licensed shops ; there are only a few state shops which sell liquor on permits issued to individuals on medical grounds or on grounds of habit or caste requirements, etc. In these areas the principal duty of an Excise official is to enforce prohibition by preventing illegal consumption, possession and transport of prohibited articles.

### **Treasury**

In every district there is a District Treasury and at every tahsil a Sub-Treasury (in Bengal and Bihar Sub-Treasuries exist at Sub-Divisional headquarters). The Collector is in the overall and superior charge of the District Treasury but the immediate charge is held by a Treasury Officer who may belong to the cadre of the Accounts Department or may be a Deputy Collector put part-time on this job. In this case he will be known as Treasury Deputy Collector or Hazoor Deputy Collector. The Tahsildar is in the charge of the Tahsil Sub-Treasury but in some states in the immediate charge is



a Deputy Tahsildar or an Aval Karkun. In Bengal and Bihar, the SDO is in charge of the Sub-Treasury though the immediate charge is held by a Deputy Magistrate or Sub-Deputy Magistrate. The Collector remains personally responsible to Government for the general administration of the Treasuries, the due accounting of all monies received and disbursed, the correctness of the Treasury returns and the safe custody of the valuables which it contains. Even though he is not concerned with the daily routine of the Treasury business, he must count the cash from time to time and must discharge personally certain functions statutorily belonging to him.

The money held in a Government Treasury consists of (1) the Treasury balance from which Government disbursements are made and into which Government receipts are paid, and (2) the currency chest balance which holds a portion of currency reserve coin and stock of notes. The currency chest is an interesting experiment and invention which does away with the need of frequent physical movement of money. In the currency chest are held coin and notes which do not form part of the Treasury balance. They are under the control of the Currency Officer and are part of his stock. When the Treasury balance goes down below a prescribed minimum and money is needed, the Currency Officer is requested to advance the money. All that the Currency Officer has to do is to signify his approval of taking out the necessary amount from the currency chest which is located in the same Treasury. On the other hand when the balance in the Treasury exceeds the maximum prescribed, the surplus money must be sent back to the Currency Officer. The Currency Officer is informed and the money is transferred from Treasury boxes into the currency chest. Thus Government reserve money is distributed at various Treasuries. The Treasury balance is for running transactions and the minimum and the maximum limits are prescribed in accordance with the needs of the Treasury. If there is a branch of the Imperial Bank of India at a station, the work of conducting Government Treasury business is given to it and then the Treasury has not to handle cash.

It may be remarked that the Collector's Treasury is the only Treasury in the district. All receipts on behalf of all departments



are paid here and so are all payments on behalf of all departments made from this Treasury. The salaries and pensions of all officers are paid from the District Treasury or the Tahsil Treasury.

Besides the Treasury balance and the currency chest stamps of various kinds, court fee, revenue, general and postal, and water mark paper are also stored in the Treasury and issued from it. For example all Post Offices in the district get their post cards and envelopes from the District Treasury or the Tahsil Sub-Treasury. Opium is also kept in the Treasury and issued to the vendors. Some valuables, *e.g.*, jewellery belonging to the Court of Wards or valuable documents belonging to various departments, are also kept in the Treasury.

The organization of a Sub-Treasury is the same though comparatively it is a smaller treasury.

A Treasury or a Sub-Treasury has a fairly big office. The Treasury administration has its relations with various departmental heads : one is the Accountant General on whose authority disbursements are made and who has a fixed responsibility towards accounts. Another official is the Currency Officer whose duties relate to the currency chest, Government of India securities, issue of loans, etc. And then there is the Finance Department of the State concerned.

### **Refugee Relief and Rehabilitation**

Some time ago this became a very important department. The Collectors were made responsible for executing relief and rehabilitation policies of the Government. This meant very heavy work at one time. As the refugees began to pour in they had to be fed, housed, clothed and their health and education had to be looked after. Big camps were opened and work was to be provided. Various kinds of schemes, industrial and commercial, were planned and implemented in order to provide work to the refugees. This was a big task of relief and rehabilitation ; and a human task which was beset with various human problems. These had to be handled on the spot. The sudden incoming of the refugees in a large number had also a bearing on the law and order position and this had also to be considered. Though most of this work is over, yet some sort of skeleton organization and skeleton staff is being maintained at some places even now.

## ***Police-Departmental, Organization & Functions***

The Police is a State subject and its organization and functions can briefly be studied in the pages of the Police Act, Police Regulations, the Police Office and Manual and the annual administration reports for the various States.

The State Police is in the charge of a State Minister, who may be Home Minister or only Minister for Police. The administration of the Police in a State is vested in the Inspector-General of Police who is appointed by the State Government and functions directly under the Minister in charge. He is head of the Police Department and all orders from Government to the Police are conveyed to him and he conveys them to the subordinate Police Officers and is responsible for the execution of those orders. Some orders are directly addressed by Government to District Magistrates, and in these cases copies are endorsed to the I.G. of Police who may, on the basis of these, issue orders to the District Superintendents of Police. No Police officer can correspond directly with the Secretary to the Government except through the I.G. of Police. The Inspector General of Police is responsible to Government for the efficiency and discipline of the Police Force and for the proper performance of its duties; and for execution of all Government policies and orders that may be directed to the Police. He has usually

complete responsibility for the non-gazetted staff in matters of appointments and punishments and general discipline except that in matters of appointments these days the Public Service Commission has taken up a large field. His seat is at the headquarters of the State Government ; but he tours throughout the State meeting Police officials and inspecting Offices and Police Stations. He also receives numerous periodical reports from districts and reports of serious crime. On routine matters he is authorized to issue circular orders to the Police in his charge. He keeps Government in touch with his Department and with the state of crime and submits, for this purpose, to Government a number of proposals and statements.

A State is divided into ranges, each range comprising a number of districts and being under the charge of a Deputy Inspector General of Police (D.I.G.). He has both administrative and executive functions and his main duty is to supervise and guide the work of District Superintendents of Police. He tours the districts, inspects Police Offices and Police Stations and ensures that the Police discipline is up to the mark and that the Police is well trained, well drilled and smart and that the functions and duties are being properly performed. He receives general periodical reports from the District Superintendents of Police in his charge and also reports of all serious crimes and their investigation reports so that he may provide guidance to the District Police. He may deal with such Departmental matters as the Inspector General may delegate to him. He has a large measure of final responsibility for the discipline of the non-Gazetted staff in his charge. He is responsible for bringing to the notice of Inspector General any matter that requires his attention. Generally speaking, it is his duty to keep in close touch with the Superintendents of Police in his charge and to maintain the efficiency and discipline of the Police Force. He also provides channel for correspondence between the District Police and the Inspector General of Police.

District Superintendent of Police is in charge of the District Police. He is Head of the Police Force of his district and is responsible for its internal management, efficiency and discipline and the proper performance of its duties. He also ensures that orders of Courts and other authorities are

promptly carried out. He is assisted by a number of gazetted and non-gazetted officers, who will be described in the next Chapter on 'District Police'; but the following table would show the gradation of the Police officers from the Inspector-General of Police to the Constable :

The gazetted officers of the Police Force are :

1. Inspector General
2. Deputy Inspectors General
3. Superintendents
4. Assistant Superintendents
5. Deputy Superintendents

The non-gazetted officers of the Force are :

1. Inspectors
2. Sergeants
3. Sub-Inspectors
4. Head Constables
5. Naiks
6. Constables

### **Branches of the Police**

Apart from such specialized agencies as the Photographic Bureau, Handwriting Bureau, Finger Prints Bureau, Wireless Section and Fire Services ; the Police Force may, for purposes of description, be divided into the following Branches :

1. Civil Police
2. Mounted Police
3. Armed Police
4. Special Armed Police
5. Traffic Police
6. District Intelligence Staff (D.I.S.)
7. Prosecution Branch
8. Railway Police
9. Criminal Investigation Department (C.I.D.)

The Civil Police is the bulk of the Police and usually mans the Police Stations. In some districts there would be a sprinkling of Mounted Police, though in the bigger towns and cities the Mounted Police may be considerable. They are used usually to control crowds and processions and also used for ceremonial purposes. The Armed Police is posted into various districts and the strength differs from district to district according

to needs. It functions as part of the District Police. It is used in emergencies to meet violent crime and also for guarding treasuries, transporting cash, dispersing unlawful assemblies and crowds and protecting and guarding public buildings, bridges, etc. Special Armed Police is so designated in the sense that it is a Special Branch. It does not form part of the usually District Police. It is centrally trained in a State and usually posted at a few centres in groups, but is available for emergencies when assistance is needed by the District Police. The Malabar Special Police Force in Madras is of this type; in Bombay it is known as the State Reserve Constabulary and is stationed in groups; in Bihar and Orissa is known as Military Police; in U.P. it is known as the Provincial Armed Constabulary. It is a highly trained Armed Force which obviates the need of calling Military aid in many emergencies. When the District Police cannot meet situations arising out of agrarian trouble, outbreak of serious crime, widespread riot, etc., this Force is called in. The organization of Traffic Police will be found in bigger urban centres and they are highly trained in their work. District Intelligence Service is a local Intelligence Agency which keeps the District Magistrate and the District Superintendent of Police informed of the general state of public opinion, specially public reactions to Government policies and underground public activities. The D.I.S. comprises usually a Sub-Inspector, a couple of Head Constables and a number of constables; but this strength differs according to local needs. This is part of the District Police and functions under the District Superintendent of Police.

The Prosecution Branch of the Police is organized at district level and functions under the joint control of District Magistrate and the District Superintendent of Police. Its job is to prosecute Police cases and other Government cases in the Courts of the Magistrates. The Branch is headed usually by an Inspector of Police who is assisted by a number of Sub-Inspectors. They have the status of Public Prosecutors. The Office of this Branch is responsible for receiving all Police Charge Sheets, scrutinizing them, completing them and then sending the Sheet to the Court concerned. Thereafter they produce all available evidence on behalf of the Police and prosecute the case to the end. In certain States this

Branch is being staffed by lawyers who are recruited from the local bar. Prosecution of Police and other Government cases in Sessions Court is undertaken by a Government Pleader who is appointed by Government on the recommendations of the District Magistrate. He holds his office on tenure and is paid fees according to Rules prescribed by Government. His designation differs from State to State. He is assisted by a number of Additional or Assistant Government Pleaders or even by special lawyers whom Government may engage in particular cases on the recommendations of the District Magistrate. All these Government Prosecutors have the status of Public Prosecutors. The District Magistrate is kept constantly in touch with the progress of Police and other Government cases by all Public Prosecutors and it is District Magistrate's special responsibility that such cases are prosecuted with vigour and care.

The Government Railway Police is organized separately owing to the nature of their duties and their territory. The Police areas on railways run through several districts. The Railway Police is in the immediate charge of a Deputy Inspector General of Police or an Assistant Inspector General of Police. It performs Police functions in the Railway territory in cooperation with the local Police. The Railway Police area is divided in its own districts and sections. Usually there is no bar to a Policeman being transferred from the Railway Police to the Civil Police and vice versa.

The C.I.D. is a separate Branch of the State Police organized at the State basis and is in the immediate charge of a Deputy Inspector General of Police who is called D.I.G., C.I.D. Though he is under the overall charge of the I.G. of Police, he has special relations with the State Government. The CID's main Office is usually at the headquarters of the State Government; but the personnel is spread all over the State. This Force has its own Superintendents of Police, Deputy Superintendents of Police and all officers down to constables. Its main function is to guard the security of the State. Usually it is divided into two Branches. One is called the Investigating Branch which deals with the investigations of rather complicated crime. A crime may be complicated either because it extends to more than one district, i.e., it

has ramifications over several districts or because of the very nature of the crime. In these cases the District Police calls in the assistance of the C.I.D. Crimes of this kind are trafficking in women, smuggling of opium and widespread conspiracies to embezzle moneys, etc. The other Branch is called the Special Branch which deals with political affairs. The CID personnel is spread all over the State and works in cooperation with District Police, but is different from the DIS. It is a very specialized Branch of the Police and issues a number of periodical secret reports.

It will thus be seen that the Civil Police, the Mounted Police, the ordinary Armed Police, the Traffic Police, the DIS and the Prosecution Branch are part of the District Police and are headed by the District Superintendent of Police. The Special Armed Police is a separate organization but when called in and functioning in a district it is under the operational command of the District Superintendent of Police. The Government Railway Police and the CID are independent Branches organized on the State level but work in cooperation with the District Police. There are some other Branches like River Police and the Women Police whose functions are obvious from their names. In some States there is an Anti-Corruption Branch organized on the State basis, the job of which is to deal with corruption in Government Services and keep Government machinery clean. In some States it is called the Vigilance Branch.

### **Recruitment and Training of Police Officers**

The posts of I.G.P., D.I.G.P., District Superintendent of Police and Assistant Superintendent of Police are borne on the Indian Police Cadre. I.P.S. officers are recruited by the Government of India through the Union Public Service Commission and are initially trained at the Central Police Training College, Mount Abu. They again undergo training during their probationary period partly at the State Police Training College and partly in the districts under the guidance of District Superintendents of Police. They start as Assistant Superintendents of Police and may rise up to I.G.P. The post of A.S.P. is a junior post ; but all posts above are senior posts. Then there is a Provincial Police Service, the members



of which are known as Deputy Superintendents of Police (Dy. S.P.). They are Deputies to the District Superintendents of Police. They are selected by the State Public Service Commission and are trained at the State Police Training College and thereafter are trained in districts. Some of them may rise to senior posts as a certain percentage of senior posts is reserved for promoted State Police officers. Below these officers are the non-gazetted officers. At the bottom are the constables who are usually recruited by District Superintendents of Police and are trained at some Training School in the State. The abler of them rise to be Head Constables and those who are abler still to be Assistant Sub-Inspectors of Police. Some even become Sub-Inspectors of Police. As a rule the next stage for recruitment is the Sub-Inspectors. The methods of recruitment differ from State to State ; but after selection they are carefully trained at the State Police Training College. It is these officers who usually man the posts of Station Officers. Some of them get promoted to the post of Inspector and thereafter may rise to the post of Deputy Superintendent of Police.

The Police Officers thus recruited at various levels are carefully trained and adequate incentive is allowed for good work by way of promotion from one level to another.

### **Functions of the Police**

Functions of the Police may briefly be described as follows :

#### **I. Crime**

- (a) Prevention,
- (b) Investigation and detection, and
- (c) Prosecution of crime.

First of all crime should be prevented. If it is not prevented, then something happens ; then it must be investigated and detected. If investigation is successful then prosecution follows. These are the three stages of dealing with crime.

#### **(a) Under the head *prevention* are included :**

1. the invoking of aid of preventive sections of Criminal Procedure Code, e.g., Sections 107, 109,

110, 144, 145, 146, etc. The Police would be on a watch to find out how certain individuals are behaving and how relations between several parties are developing so that if there is any danger of the breach of peace or commission of crime, timely action is taken to bind over people before Magistrates for being of good behaviour or for keeping the peace. Other legal powers exist authorizing the Police to prevent crimes. They will be found not only in the Cr.P.C. and the Police Acts but also in other laws.

2. Registration and surveillance of bad characters. Some people are habitually bad characters and they have to be registered, history sheets have to be opened for them and they have to be kept under surveillance so that their movements can be connected with any crime that may be committed in the area. The system of keeping history sheets and classification of bad characters differs from State to State.

3. Control of criminal tribes.

- (b) Under head *Investigation and Detection* work is as follows :

When an offence is committed, information of that commission is lodged in the Police Station by someone—by the man who has been injured (known as the complainant) or by a Police Officer—Chowkidar or Constable or Village Headman—or indeed anyone. The Police Station must record the report whether the crime is cognizable or not. This report is known as the First Information Report (FIR). If the report concerns commission of a crime which is non-cognizable, the Police after recording the report would inform the complainant that he could go to the Court and that the Police has no powers to take up investigation. If the crime is cognizable, then the Police takes up the investigation. The efficiency, ability and resourcefulness of the investigating officer is tested here. The Magistrate, however, may authorize the Police to investigate even a non-cognizable crime and then the Police gets all the powers which it has when dealing with a cognizable crime except powers of arrest unless it is

specifically allowed by the Magistrate. In connection with investigation and detection of crime, the law concerning arrests, bails, custody, remands and search comes into play.

*Arrest* : Cr.P.C. gives powers to the Police in cognizable cases. When investigating a non-cognizable crime under authority of a Magistrate, the Police gets powers of arrest only when the Magistrate specifically authorises Police to arrest during investigation.

*Bail* : A Police Officer may take bail in bailable cases, but it is only the Magistrate who can take bail in non-bailable cases.

*Custody* : The Police cannot detain any person in their custody for more than 24 hours. After that remand must be obtained from a Magistrate for further detention.

*Remand* : A Magistrate may remand to Police custody or to Jail custody, though usually remands are made to Jail custody.

*Search* : The English rule that "every Englishman's home is his castle" has been applied to India. The Police have powers to search only in connection with a case which has been registered with them and which they are investigating. Otherwise they have to obtain a search warrant from a Magistrate.

The progress of investigation has to be recorded from time to time. Copies of these progress reports are sent to the District Superintendent of Police, who provides guidance to the investigating officer. In case of serious crimes like dacoities, murders, highway robberies, etc., these progress reports go to District Magistrate and the D.I.G. of Police as well.

(c) When the case has been successfully investigated, it is prosecuted, that is to say, it comes to the office of the Police Prosecutor who scrutinizes the charge sheet and ensures that there are no defects. He then submits the charge sheet to the Court concerned. When the charge sheet reaches the Magistrate, the case commences and the prosecution starts. It is the function of the Prosecution Branch of the Police to bring in all available evidence, cross-examine the defence witnesses and argue the case. The case then results either in acquittal or conviction or may be sent up to the

Sessions Court for trial. If the investigation is not successful a final report is sent to the Magistrate concerned for approval. This means that the case could not be traced.

## II. *Law and Order*

These duties are not strictly concerning any special type of crime. This is about general law and order which may be disturbed even by non-criminal motives. Though crime may technically be committed, the real nature of the emergency here may be political or economic or communal. Such disturbances of peace have to be prevented. The Police are, therefore, vigilant to watch the situation and take preventive action in connection with the following :

- (1) Communal situation, (2) Festivals, (3) Agrarian trouble, (4) Industrial strikes, (5) Subversive political parties, etc.

## III. *Miscellaneous*

- (a) Execution of processes of Criminal Courts.
- (b) Providing of patrols, pickets, guards and escorts.
- (c) Regulation of crowds and traffic.
- (d) Duties at fairs and ceremonial functions.
- (e) Duties in connection with famine, floods, fire, accidents, treasure trove, military deserters, unclaimed and suspicious property, verification of characters and escapes from prisons, etc.
- (f) Reporting of births and deaths.
- (g) Inquests and post-mortems in cases where people die suddenly or by poison or by murder or by suicide, etc.
- (h) Enforcing various State and local laws.

The Police have a large number of miscellaneous duties. Almost every Act or Law that is passed creates some offences and thus imposes some work on the Police apart from work connected with ordinary crime.

## **Legal Basis of Powers of Police**

In the present system of administration no one can exercise any powers unless he is so authorized by law. The powers of the Police are mainly provided by :

1. The Police Act which has the legislative sanction for

the creation of posts and definition of duties and powers of all Police Officers from I.G. of Police downwards.

2. The Criminal Procedure Code provides powers concerning prevention, investigation, detection and prosecution of cases and various other powers connected with the control of crime and incidental matters.
3. Various Central, State and local laws, *e.g.*, Arms Act, Gambling Act, Motor Vehicles Act, Excise Act and Traffic Bye-laws made by Municipality, etc. With the growth of State activities these duties imposed on the Police by such Acts are on the increase. Even an Act dealing with a development or welfare activity has to create for its enforcement certain offences which impinge on Police work.
4. Apart from these various Laws, there are Departmental instructions issued by State Governments for the guidance of the Police Officers. These are usually called Police Regulations and they provide for the internal organization, control and functioning of the Police Department. Detailed instructions are given with regard to all matters connected with Police Administration and the Police Force, and cover such subjects as rewards, drill, kit, arms, records and registers, punishments, orderly room, maintenance of buildings, staffing of Thanas, distribution of work, etc. These Government instructions have, of course, to be within the framework of statutory law.

## ***District Police***

As indicated in the previous chapter the District Superintendent of Police is the Head of the Police Force in his district. He is responsible for the efficiency and the discipline of the Police Force and the proper performance of Police duties. He is known as District Superintendent of Police in the States of Madras, Bombay, Madhya Pradesh, Hyderabad and Mysore, but is called simply Superintendent of Police in the Punjab, U.P., Bihar, West Bengal, Orissa and Assam. His main function is the control of crime, but he has also a large amount of administrative work. For the control of crime he keeps himself in touch with the Police Stations, receives first reports of commission of crimes, receives reports of progress of investigations and provides guidance to Investigation Officers; supervises all investigation and prosecution work and also ensures that the Police take preventive action where necessary. He receives other periodical reports from Police Stations showing the position of crime and action taken to meet the situation. He himself visits the spot of occurrence in case of serious crime. He tours the district and inspects the Police Stations. All Police personnel in the district is under him and he notes on their work and he may, subject to the approval of the District Magistrate, transfer Station Officers and the officers of the higher rank within the district, and may on his own transfer lower officers within the district. He keeps in touch with the public and ensures that his sources of information are as many and as reliable as possible.

On the administrative side he has to maintain discipline in the Force. In particular, he has to keep the Reserve Lines in good order and to ensure that the Police is properly drilled, is smart, is well provided with arms and uniform, that the buildings are properly kept and maintained, and, where need be, he gives rewards and inflicts punishments on the Police personnel subject to Rules prescribed by Government. He is also responsible for the proper administration of Police funds. A large number of reports including First Information Reports and reports of progress of investigation in cases of serious crimes are sent by him to the D.I.G. Police and the District Magistrate.

His office is at the headquarters of the district and he is assisted by one or more Assistant Superintendents of Police and/or Deputy Superintendents of Police. Assistant and Deputy Superintendents of Police may perform any of the Superintendent's work which the latter is not obliged by law or rule to do personally. They make enquiries and recommendations to the Superintendent of Police when they are not authorized to pass final orders. Both in the control of crime and in administrative duties they assist the District Superintendent of Police. In the States like West Bengal, Bihar and Madras where the Revenue Sub-Divisional Officers live in their Sub-Divisions, an Assistant or Deputy Superintendent of Police is also posted at the headquarters of the Revenue Sub-Division and is in charge of Police work in that Sub-Division ; in other States where the Revenue Sub-Divisional Officers live at the headquarters of the district, these Police officers are also stationed at the district headquarters and are put in charge of a Sub-Division of the district which is not necessarily the same as a Revenue Sub-Division. These officers are the immediate gazetted Assistants of the District Superintendent of Police and are known as Sub-Divisional Police Officers in West Bengal, Bihar, Assam, Madhya Pradesh and Bombay ; in Madras these officers are styled S.D.Os (the revenue Sub-Divisional Officers), in Madras being designated as R.D.Os, *i.e.*, Revenue Divisional Officers). Elsewhere these officers are known as Circle Officers. They directly supervise Thana Police, inspect the Thanas, direct important investigations and also discharge some administrative duties.



There are a number of inspectors in a district. Some of these Inspectors function as Sub-Divisional Police Inspectors (in some States called Circle Inspectors), that is to say, their duties are to supervise the Thana Police and assist the Sub-Divisional Police Officer or Circle Officer. In particular they supervise investigation and prevention of crime and may take up some investigation work themselves and coordinate preventive and detective work in their circles. They also inspect Police Stations and carry out miscellaneous enquiries. In bigger districts there may be a Police Inspector for headquarters' work. There is an Inspector who is in charge of the Police Prosecution and is called the Prosecuting Inspector (P.I.). There is another Inspector who is in charge of the Reserve Lines or the Police Lines.

This is the headquarters and Sub-Divisional set-up. Next below come the Police Stations. The Police Force in a district is usually stationed in two parts. One part is in the Reserve Lines and is divided, for purposes of organization, into the Armed Reserve and the Ordinary Reserve. This is in the immediate charge of the Reserve Inspector who is assisted by Sergeants and other officers. This Reserve is kept under constant drill and instruction and is used mainly to deal with emergencies, to strengthen the Police of the Police Stations and to provide guards and escorts. The Police arms and ammunition and uniforms, etc., are stocked here and are issued from this place. The Police Wireless Organization has its district headquarters here. The Police Lines are used for training of young Policemen. They also provide a place where police officers, who get slack, can be sent for being smartened. The other part of the District Police, which is the bulk of the Civil Police, is spread at Police Stations. The Police Station is the pivotal organization of the Police Department and is the executive force which actually discharges all the functions of the Police as described in the previous chapter.

### **Organization of a Police Station**

A Police Station is headed usually by an officer of Sub-Inspector's rank who is called officer in charge of the Police Station. He is briefly known as S.O. (Station Officer) or

S.H.O. (Station House Officer) or O.C. (Officer Incharge). His functions, duties and powers are defined in the Criminal Procedure Code and it is remarkable that no other Police Officer has any more powers in the matter of prevention and detection of crime than he has. Section 551 of Cr.P.C. says that "Police Officers superior in rank to an Officer incharge of a Police Station may exercise the same powers throughout the local area to which they are appointed, as may be exercised by such officer within the limits of his Station". Thus under the Cr.P.C. no Police officer has more powers than the S.O. ; it is not as if the S.O. can detain a person in his custody for 24 hours and the S.P. for more hours. The S.O. is assisted by a number of junior Sub-Inspectors, Assistant Sub-Inspectors, Head Constables and Constables. The strength differs according to the jurisdiction of the Police Station. A Police Station may usually have from 25 to 150 villages in its jurisdiction depending on the nature of the country and the density of the population. If there is a junior Sub-Inspector he would receive the S.O. of some investigating work and some administrative work also. If there is only an Assistant Sub-Inspector he will do this to a lesser degree. Head Constables usually perform five types of work. One Head Constable is concerned with the writing of reports and maintenance of registers. Sometimes this official may have the rank of a Constable only. He will be known as Writer Head Constable or Writer Constable. The other Head Constable will be in charge of the discipline and drilling of the Force and will tell off Constables for duty. A third type of Head Constable is called the Investigating Head Constable takes up some investigation work. There are some Head Constables who are in charge of Police out-posts which are satellite forms of the Thana. The Head Constable in charge of an out-post, whether in a city or in a remote corner of a Thana Circle, is responsible for patrolling the area and preventing crime. He will keep the Station Officer informed of commission of all cognizable crimes and all important occurrences. In some States a Gashati Head Constable is attached to a Thana. The Naiks perform duties similar in nature to the duties of Head Constables.

The Constables are usually assigned beats so that every Constable is responsible for patrolling in his beat and keeping himself informed of the state of crime and the general state of the people. He would particularly visit bad characters and find out gambling dens and illicit distilleries. If this work is well done, much of crime can be prevented and if crime is committed, it can be successfully investigated.

The functions of the Station Police are as described in the previous chapter. The Station Officer is responsible for keeping himself informed of the general state of his Circle, for preventing crime, getting people bound over before the Magistrates, controlling crimes and for enforcement of surveillance of bad characters ; for all investigation and detection work ; and then producing evidence in Courts. He has not only to tour his Circle but also to visit scenes of crime and to attend Courts where he takes Police witnesses. The Station Police is responsible for all the miscellaneous duties which the police has to perform. Thus the Station Police has very busy time and the S.O. is a very responsible and busy officer. The Station Police has also to escort important visitors, participate in functions and assist general administration in every way.

A large number of records and registers are maintained at the Police Station. The Madhya Pradesh Police Regulations prescribed the maintenance of 28 registers, 12 lists and 24 forms. The U.P. Police Regulations prescribe the maintenance of 50 registers, 15 periodical returns, and 23 lists. The Bihar Police Manual prescribes the maintenance of 48 registers and 17 lists. In West Bengal 86 registers are kept at a Police Station. In Madras 62 records are maintained at a Police Station. While the number of registers and records as well as the details of columns and entries may differ from State to State, the objective is the same and, therefore, substantially the position is very similar. Some of the important registers bearing on crime are summarised below. This description applies to registers maintained under the Madhya Pradesh Police Regulations but substantially the description will be correct of other States also.

1. General Diary : This records Police Proceedings and occurrences reported to them from day to day. Reports of

commission of non-cognizable crime are entered in this ; but only the substance of the reports of cognizable crime is entered. Daily duties, absences, outings, visits, arrest of persons, release of prisoners, etc., are all entered in this. This forms a daily record of the Police Station (in Bombay State this register is known as Station Diary).

2. First Information Reports Book : In this are entered reports of cognizable offences. Copies of the reports are given to the complainants and are sent to senior officers.

3. Case Diary : The Case Diary is written showing record of the progress of investigation in a cognizable case. It contains all the information which the Police gathers during the course of investigation in a cognizable crime.

4. Village Crime Note-Book : What the land records are to a village on the revenue side, this Register is on the Police side. It gives a complete criminal history of the village and all relevant information. Every village has a Note-Book in which are shown village statistics, all crimes committed in the past, convictions and acquittal, general notes on crime in that village and names of history-sheeters. At one glance a person can know about the character of a village. Names of influential good men are also there and also licences of fire arms. This book is usually divided into five parts. One part contains important information concerning religious festivals and customs with regard to processions and ceremonial sacrifices.

5. History Sheet : If a person is reasonably suspected of being a habitual criminal and specially given to such crime as theft, pick-pocketing, cattle lifting, offences against property, etc., a history sheet is opened for him so that the Police may keep the person under surveillance. Details of his life, character, movements and habits and information about his associates are entered from time to time and even when the person concerned may not be under regular surveillance, a quiet watch is kept by the Police on him. The system of classification of history sheets and the maintenance of history sheets differs from State to State. If a person shows good conduct for some time, the history sheet can be closed.

**Thana Headquarters**

The Thana Headquarters are usually located centrally within the Circle. There are usually two Havalats—one for males and the other for females. There is an armoury in which arms, ammunition, stolen property and such other things are kept. There is the main office where registers are kept and where correspondence is handled. There are barracks for married and unmarried Police personnel. A certain percentage of Police officials live on the premises. There are also residences for Station Officer and his junior staff. Some Police Station buildings have been built so as to be specially defensive. They are known as 'defensible' Stations. The senior Police officers of the Station are expected to keep horses and ponies and are expected to be very mobile.

**Additional Police**

While Government has sanctioned the strength of Police Stations and District Police, Additional Police can be posted in any locality if it is necessary to do so for control of crime. When a certain locality is greatly disturbed, Government sanctions Additional Police and posts it in that locality and that locality has to pay for its maintenance. The system is based on the principle that the taxpayer in general cannot be asked to pay for Additional Police which may be required by the misdemeanour of a particular locality which persists in committing crime. District Magistrates have powers under Police Acts to enroll a special Police.

## ***Police and the Magistracy***

Magistrates have also Police functions, as apart from judicial functions of trying criminal cases. All Magistrates have some sort of Police powers, mostly derived from the provisions of Cr.P.C. Some of these powers are :

1. To apprehend persons committing offences in their presence.
2. To order Police to investigate non-cognizable cases.
3. To issue warrants of arrest.
4. To remand prisoners to custody.
5. To hold inquests.
6. To direct house searches and searches of persons.
7. To approve final reports.
8. To disperse unlawful assemblies.
9. To enquire into Police excesses.

These are really Police functions as distinct from merely judicial functions which are merely to hear parties and to pronounce judgments. Apart from these, the Magistrates are empowered to direct various kinds of orders to the Police in the discharge of their Magisterial functions.

But a Sub-Divisional Magistrate has special relations with the Police of his Sub-Division :

- (a) Normally all Police cases come to his file, he receives copies of FIRs and he approves the final reports. For this purpose he keeps the General Register in

which all FIRs and final reports are entered and even though he may not try all these cases (he may try some and transfer others to his subordinate Magistrates), he is still generally responsible for the conduct of Police cases (this position has been modified by the shedding of ordinary criminal judicial functions of the Sub-Divisional Magistrates).

- (b) The Police looks up to him to supplement Police powers by the exercise of the Sub-Divisional Magisterial powers given to him under the Cr.P.C., e.g., under Sections 106, 107, 108, 109, 110, 144, 145 and 146 Cr.P.C. The Police powers in the sphere of the prevention of the crime are limited and the Sub-Divisional Magistrate reinforces those powers by the exercise of his own authority and binds over people for keeping the peace or for being of good behaviour and promulgates prohibitory orders.
- (c) The Police come to him for obtaining orders of remands, for custody of prisoners, for permission to interview prisoners in jails, and for search warrants etc. The Sub-Divisional Magistrate has to be kept informed of occurrences of crime in the Sub-Division and no Police investigation can be closed without his approving the final report. He may also direct the Police to investigate non-cognizable cases and may direct the Police to take up miscellaneous enquiries of a criminal nature. Thus the Sub-Divisional Magistrate in his Sub-Division shares jointly with the Police responsibility for peace and order and for the control of crime. He, therefore, is expected to inspect the Police Stations and meet the Station Officers. In every State a Sub-Divisional Officer is expected to inspect every Police Station in his Sub-Division at least once a year, except that in Madhya Pradesh the Sub-Divisional Magistrate is expected to "visit the Station House and inspect the records and registers concerned with crime, which the Station House Officer will explain to him, where necessary. He should also acquaint himself with the arrangements made at the Station



House for the custody of prisoners. The results of such inspections should not be entered in the Station House Inspection Book but should be recorded as a separate Memorandum, to be submitted to the District Magistrate who will forward it to the District Superintendent of Police" (Madhya Pradesh Police Regulations—Regulation No. 28). In the Punjab inspections of the Police Stations by the Sub-Divisional Magistrates are rare.

It will thus be seen that every Magistrate has some Police functions and that a Sub-Divisional Magistrate has special relations with the Police of his Sub-Division. But the authority of these Magistrates over the Police is strictly limited. The District Magistrate, however, is in a special position. The Simon Commission Report says : "The District Magistrate as the chief executive authority in the district is primarily responsible for the maintenance of law and order and the criminal administration of the district and for this purpose the Police Force is under his control and direction. The District Superintendent of Police is the District Magistrate's Assistant for Police purposes and it is his duty to keep the latter informed, both by personal confidence and by special reports on all matters of importance concerning the peace of the district and the state of crime" (Volume I, page 287). The Imperial Gazetteer says "The Police administration throughout a district is under an Officer styled the District Superintendent. He is responsible for the discipline and internal management of the Force, and is the subordinate of the District Magistrate in all matters connected with the preservation of peace and the detection and suppression of crime" (Volume IV, page 388). The legal basis for this position of the District Magistrate is provided by the Police Act. The Section which authorizes the State Government to appoint a Superintendent of Police for a district says that the State Government may appoint a Superintendent of Police for a district, subject to the control and direction of the District Magistrate (Section 1 and section 4 of Police Act, 1861 for Madhya Pradesh ; for other States see various State Police Acts). The District Magistrate is responsible for the peace and good order of his charge, and in all matters concerning the maintenance of law and order

and the detection and suppression of crime the District Superintendent of Police shall comply with such orders and instructions as he may issue (Regulation 21, Madhya Pradesh Police Regulations). The Superintendent of Police is responsible for the efficiency and good behaviour of the District Police and is in direct command of the Force. District Magistrates are advised not to interfere in matters relating to arming, drill, equipment, exercise and discipline and to preserve the Superintendents' authority over the Police Force. The position is neatly expressed in Section 17 of the Bombay Police Act, 1951 which sums as follows : "The District Superintendent and the Police Force of the district shall be under the control of the District Magistrate." Regulation 6 of the U.P. Police Regulations says : "The District Magistrate is the head of the criminal administration of the district and in that capacity controls and directs the action of the Police." The classic position in this regard has been stated with lucidity in Bombay Government order of 17th September 1907 as follows :

"4. His Excellency the Governor in Council considers that it is of the first importance to maintain unimpaired the responsibility of the District Magistrate of the Peace and good order of his charge. All questions of policy and of the administration of the law within the district are for his decision ; the province of the Inspector General of Police is to watch over the recruitment, drill, education, housing and equipment of the Police, and so to regulate their internal organization and their methods of working, as to render them the most efficient instrument possible for the use of the District Magistrate in the safeguarding of his charge.

"5. Under the Law as it at present exists the Superintendent of Police is an assistant for Police purpose of the District Magistrate and must, as a general rule, accept his orders unhesitatingly. Should Superintendent of Police demur to any order of the District Magistrate of which reconsideration has been refused, and should he consider the matter of sufficient importance to justify his action, the only course open to him is to address the District Magistrate and formally request him to refer the question to Commissioner. Once such a request is received by the District Magistrate, he should make a reference either direct or through Inspector

General of Police, at his discretion in according to the nature of the case, for the orders of the Commissioner.

"6. The Governor in Council desires it to be clearly understood that the orders of the District Magistrate must be promptly and fully carried out unless and until revised by the Commissioner and he relies upon the Inspector General of Police not to encourage the Superintendents of Police to evade the control of their District Magistrates, by himself accepting letters of complaint in any matter in which the control rests with the District Magistrates.

"7. By standing orders the Inspector General of Police is required, on leaving a district after the inspection of its Police, to send a special report to the Commissioner. In that report he is at liberty to make remarks on any subject which he considers to be important to the Police administration of the district, and this report is dealt with by the Commissioner and the District Magistrate. It is of course open to the Inspector General of Police, under a due sense of responsibility to address a Commissioner if he thinks it necessary to animadvert upon the administrative policy of any District Magistrate. But apart from the opportunities of criticism thus provided, the Governor in Council considers any encroachment upon the spheres of duty prescribed for the District Magistrate to be undesirable and prejudicial to the maintenance of the District Magistrates' authority." (G.R.J.D. 5188 of 17-9-1907)

Thus the District Superintendent's main function is to provide an efficient instrument for carrying out public policy which is directed by the District Magistrate. But the position of a District Superintendent of Police as immediate head of a disciplined Force must be maintained, and, therefore, District Magistrates have been advised not to interfere in the internal management of the Police Force. Such interference must weaken the coherence and, therefore, effectiveness of the Force. "The District Magistrate in the exercise of his power of control should avoid doing anything to weaken the District Superintendent's authority." (Regulation 8 of the U.P. Police Regulations) "The District Magistrate, in the exercise of his power of control, shall abstain from any action likely to weaken the authority of the Superintendent or to deprive him of responsibility." (Regulation 18 of the Bihar Police Manual)

From this general position many consequences flow and many duties have been assigned to the District Magistrate under Police Acts and Police Regulations which may be termed "departmental". These detailed duties are not always exactly the same in every State ; but as they flow from the District Magistrate's position as Head of the criminal administration of the district, they are substantially the same with minor variations. The position may be summarised for India as a whole as follows :

The Superintendent of Police keeps the District Magistrate promptly informed of all serious crime and of any sudden increase in the volume of crime generally and sends him periodical reviews of the crime in the district, its localization and causes. Special reports of heinous crime, a monthly analysis of crime, weekly confidential reports, inspection returns and notes are sent from time to time. Copies of FIRs of all serious crime are sent to him and the Superintendent of Police also submits to him reports of progress of investigation of serious crime. The annual Police Report is submitted by the Superintendent to Inspector General of Police through the District Magistrate who records his comments thereon. Though most of the Departmental correspondence is conducted by the Superintendent directly with the DIG, such correspondence must go through the District Magistrate if it relates to certain subjects in which the District Magistrate is interested. Apart from these reports the Superintendent is advised to keep in close touch with the District Magistrate and remain in constant personal communication with him (I.G. Police and D.I.G. Police are expected under Government orders to meet the District Magistrate when touring in his district and obtain his views as to the general Police administration in his charge). The District Magistrate may call for other records also if he wants to see them and may prescribe other returns. The District Magistrate is interested in speedy investigation of cases registered with the Police so that the accused are not detained in Jail pending investigation for unduly long periods. He has the power to expunge crime from the Crime Register. The District Magistrate being responsible for the criminal administration of the district keeps a keen watch on the general state and control of crime and may issue general directions to

the Police on this subject from time to time ; he watches if the sentences imposed by Courts of law are adequate, for inadequate sentences may soon bring law and law Courts into public contempt. He also ensures that Government cases are efficiently prosecuted both in the Courts of Magistrates and in the Courts of Sessions ; and that the processes of Criminal Courts are served properly and efficiently, because processes are the feet of law.

He issues general directions to the Police in matters of regulation of festivals and processions and lays down policy in these matters. Apart from normal crime, the Police is called upon to execute policies of Government which have a general bearing on law and order situation. In such cases policies are communicated by Government to the District Magistrates who are responsible for getting these policies executed by the police. The District Magistrate takes local conditions into account, plans action and supervises its execution by the Police. Such policies may relate to arms and licences, road transport, subversive political parties, political action and a host of other subjects.

The District Magistrate enquires into charges against the Police personnel and also enquires into Police excesses and cases of Police misconduct. Whenever Police resorts to firing, the District Magistrate must hold an enquiry. He alone may order surveillance of certain suspects. No Police officer of the rank of Station Officer and above can be transferred by the Superintendent of Police without District Magistrate's prior approval and the District Magistrate may require the Superintendent of Police to transfer Station Officers and officers of higher rank if he considers them unfit for their particular duties or for incompetence. He appoints or dismisses village Chowkidars or may delegate this power to Sub-Divisional Officers or to the Superintendent of Police. He inspects the Police Stations in his charge and in particular analyses the state of crime and provides guidance to the Police wherever necessary. "The District Magistrate shall exercise constant supervision over the prevention and detection of crime, for the proper conduct of which he is ultimately responsible. An important part of his duty is to inspect the Police Stations of his district at regular intervals." (Regulation 21 of Bihar

Police Manuals) In some States District Magistrate's inspection notes are sent to the Inspector General of Police. The tour diary of the Superintendent of Police is submitted to the District Magistrate. District Magistrate's approval is necessary before casual leave is granted to the Superintendent.

In all States except U.P. and Punjab, the District Magistrate writes the confidential annual reports on the work of the Superintendent of Police and also makes remarks on the confidential reports of other gazetted Police officers and Inspector of Police which are forwarded through him by the Superintendent of Police to the Inspector General of Police. In U.P. and the Punjab, Commissioners before writing their remarks on Superintendents of Police may ask for the opinion of the District Magistrates concerned. The District Magistrate has also certain powers in regard to the disciplinary punishments that may be inflicted by the Superintendent of Police on his subordinate staff. Likewise his recommendation is to be taken into consideration for the promotion of certain Police officers.

When the District Police is unable to meet a situation, the District Magistrate requisitions the Special Armed Police Force ; if the situation be even graver then he may call in Military aid.

It would thus be seen that the criminal administration is a joint Magisterial-Police administration. This may, however, be for purposes of description divided into three fields. The first is purely criminal-judicial work which the Magistrates do themselves bringing independent judgment to bear on their work. Here the Police assists them by bringing evidence before them. The second is a purely Police field like internal management, discipline and economy of the Police Force. This is the field of the Police officers. The third field is a joint one where the Police functions and the Magisterial functions are inter-linked ; this is the field of law and order, control of crime, execution of processes and general public policy. In this field the Magistracy and the Police work in cooperation headed by the District Magistrate. An organized, efficient and honest Police system is a basic need of any administration ; no progress is possible unless there is peace and order, law is enforced and crime is suppressed. The good cannot be protected without



suppressing the evil doers. The District Magistrate, therefore, lends all his authority and influence to the Police so that they may discharge their legitimate duties ; and yet he holds the balance even between the Police and the people and ensures that dishonest and vindictive officers are punished and the public is protected against such officers.

This is the general position and functions of the District Magistrate in regard to the Police in his charge except that in Madras the supervision of the District Magistrate over the Police is not so detailed as elsewhere. The supremacy of the District Magistrate is implicit in the logic of the criminal administration of a district. The legal and administrative position as defined in the Police Acts and the Police Regulations or the Police Manuals is the same in all States ; but in practice the actual position slightly differs in one or two States. In the Bengal system (which includes Bihar), the Madras system and the Bombay system the District Magistrate's authority is very well respected over the Police ; but his authority over the Police in U.P. has been comparatively weaker. It is weakest in the Punjab. In these two States, as indicated before, the D.M. does not write the Character Rolls of his Superintendent of Police. In the Punjab the Inspector General of Police is *ex-officio* Joint Secretary to Government in the Home Department and is responsible for all proposals for transfers and promotions of Police officers which he submits directly to Government. In other States this function belongs to the Home Secretary in consultation with the Chief Secretary. Recently a directive has been issued in the Punjab that the proposals of the I.G. of Police (acting as Joint Secretary) should go to Government through the Chief Secretary.

The reasons for such variations are purely historical and due to various circumstances ; but the legal position of the District Magistrate as head of the criminal administration of the district is everywhere the same.



## 14

### **Jails**

Jails have been constituted under Prisons Acts and Prisoners Acts. There are other Acts which have a bearing on the administration of the Jails, *e.g.*, Identification of Prisoners Acts, the Penal Servitude Act and the Reformatory Schools Acts, etc. Jails are administered by the State Government and detailed Rules about the administration of the Jails will be found in the various States Jail Manuals. The general control and superintendence of all Prisons situated in a State is vested in the Inspector General of Prisons who is appointed by the State Government and functions under the State Home Minister. He may have a Deputy Inspector General or an Assistant Inspector General to assist him. The Inspector General is responsible to ensure that Government policy is executed in all matters relating to the Department of Jails, that all Jail officials perform their duties properly and that all Rules are enforced and observed. He is responsible for the internal discipline, efficiency and economy of his Department. He is the channel of communication between the Government and all officers of the Jail Department. He tours in his State and inspects Jails and provides guidance. He has powers to authorize petty constructions, to issue circulars within the framework of Rules prescribed by Government and to inflict disciplinary punishments on his subordinate staff in accordance with the Rules prescribed in this behalf and to order transfers and to make or recommend promotions. He

submits to Government annual report on the administration of the Jails.

Jails may be classified as follows :

- (1) Central Jails, (2) District Jails, (3) Sub-Jails, and
- (4) Special Jails.

In every State there are a small number of Central Jails where long-term prisoners are usually confined. They are always in charge of whole-time Superintendents. Usually these Jails run some industrial enterprises in which prisoners take part like carpentry, carpet making, tailoring, weaving, dyeing, leather work, paper making, and oil pressing, etc.

At the headquarters of every district there is a District Jail, though in some districts there may be merely Sub-Jails. Some District Jails are in the charge of full-time Superintendents, others have a part-time Superintendent who usually is the Civil Surgeon of the district concerned. The Superintendent is responsible for the management of the Jail in all matters relating to discipline, labour, expenditure, punishment and general control subject to the orders of the Inspector General of Prisons. He is also under the general orders of the District Magistrate (Section 11, Sub-Section (ii) of Act IX of 1894). The Jailor is the chief executive officer of the Jail and is immediately subordinate to the Superintendent. He may be assisted by a Deputy Jailor. Jailor's chief duties are to secure the safe custody of prisoners, to enforce discipline among prisoners and his subordinates, to ensure that prisoners sentenced to rigorous imprisonment do the work assigned to them and to maintain a high standard of health among them. He visits every part of the Jail daily including cells and hospitals and sees every prisoner at least once in 24 hours. He must always be present in the Jail or on the premises and cannot be absent without permission of the Superintendent. Other officers of the District Jail differ from State to State ; but they may be Reserve Deputy Jailors, Gate-keepers, Chief Head Warders, Reserve Head Warders, First Grade Warders, and Second Grade Warders. There are even convicts who, on grounds of good conduct, are appointed petty officers in the Jails in which they are confined. The District Jail is really in two parts—one housing the convicts who have been adjudged guilty by Courts of Law and sentenced to imprisonment and the other detaining

undertrials either pending investigation of cases or pending trial. The Jailor has no authority to detain anyone. Both categories of prisoners described above are kept in Jail on the authority of Courts of law whether on ground of conviction or on the authority of remands granted by Courts. There may be a third type of prisoners ; persons detained without trial under some restrictive law. Authority under this law is also exercised by the District Magistrate. The Jail Department, therefore, merely functions as a housing department which houses persons on the authority of Courts of Law. Many household duties, therefore, arise. These duties are performed by the members of the Jail staff and are prescribed and regulated by the executive orders or Rules made by the State Governments. under some enabling statutory authority. Some of the functions of the Jail Department are these : Provision of food to the prisoners ; looking after the health of prisoners and making medical and sanitary arrangements in the Jail—every Jail has its Medical Officer (whole-time or part-time) ; prisoners have to be classified and their status defined (this is usually done by the District Magistrate) ; interviews have to be arranged according to Rules ; personal articles may be supplied to prisoners where this is permissible ; religious and moral lectures are arranged for the benefit of prisoners ; provision is also made to make prisoners literate or to learn a trade during their stay in the Jail. There is provision in the Jail Manuals for a very large number of subjects relating to Jail Administration. Some of these are : maintenance of buildings and accounts ; admission of prisoners and their search ; accidents in Jails ; escapes of prisoners from Jail ; prisoners' death in the Jail ; parades, arms, armoury, uniform, equipment and discipline of the staff ; dress of prisoners ; solitary confinements ; offences and punishments ; segregation of minor from adult prisoners ; civil prisoners ; interviews ; criminal lunatics ; remissions of sentences for good behaviour and other rewards for good conduct ; hospitalization of prisoners ; watch and ward ; execution of prisoners condemned to death ; handcuffing of prisoners ; identification of accused ; inspections, labour, industries within the Jail ; transfer of prisoners from one Jail to another ; releases of prisoners ; non-official visitors ; contracts for supplies etc., etc. In fact every detail is

provided for even as to who can smoke and who cannot smoke in the Jail (See paras 737, 476, 1177 of the Madhya Pradesh Jail Manual. See also para 733 where it is laid down that the beards and moustaches of all prisoners shall be trimmed and where the Rule allows exception it provided that the beard, which is left, will be only an inch in length). Orissa Rules prescribe 49 Registers, 40 Returns and 88 forms for a District Jail. The Madhya Pradesh Jail Manual prescribes 75 Registers. In some States District Jails are also classified into several classes according to their importance based on the sanctioned strength of prisoners which they may contain and other factors.

In Madras and Bombay there are Sub-Jails at various Taluks and in Bengal and Bihar there are Sub-Jails at Sub-Divisional headquarters. These Sub-Jails house short-term convicts and undertrials who are to be tried by local Magisterial Courts. In Bengal and Bihar the SDO or a Deputy Magistrate on the staff of the SDO is usually in charge of the Sub-Jail; sometimes a Munsif or an Assistant Civil Surgeon at the Sub-Divisional headquarters may be in charge of a Sub-Jail. In Bombay the *Mamlatdar* or the *Mahalkari* or the *Aval Karkoon* is usually the Superintendent of the Sub-Jail and the Magisterial Clerk works as the Jailor. In Madras the Superintendent of the Sub-Jail is usually the local Sub-Magistrate. If the Sub-Jail is big there is a Jailor and regular staff of Warders under the Sub-Magistrate; if the Sub-Jail is small the Sub-Magistrate manages the Sub-Jail with the help of Taluk establishment (Sub-Jails are also divided into various classes). In certain districts where the separation of judiciary is in force, the Deputy Tehsildar functions as the Superintendent of the Sub-Jail. In the Punjab where some Jails at district headquarters are classified as Sub-Jails, a local Magistrate on the staff of the District Magistrate functions as part-time Superintendent. In Madhya Pradesh the Civil Surgeon is part-time Superintendent of such Jails.

Then there are Special Jails like the Mental Jail at Kuddalore, Borstal School at Palayamkottai, and Bortsal Institute, Narsinghpur (M.P.). There are some Penitentiaries where female prisoners may be given *chulam*, or *ragi* to grind, etc.

Thus the Jails serve two purposes: they provide a place

where criminals may undergo their sentences ; secondly they provide a place where accused may be detained pending trial. It is for this reason that Jails had to be distributed all over the State, in district as well as in Taluks wherever Criminal Courts sit. But Jails are also considered places of reform and correction. This view has been progressively adopted and has led to many reforms in Jails. That is why educational facilities are provided, arrangements are made so that prisoners may learn a trade and lectures on character reform and moral subjects are arranged. The Jail Department has a difficult and delicate and yet very necessary function to perform. In every State Jail services have been organized and classified ; but the Inspector General of Prisons is usually a senior officer from the Civil Services or the superior Medical Services.

#### **District Magistrate's Relations with Jails in his District**

It has been indicated that the Superintendents of District and Subsidiary Jails are under general orders of the District Magistrate and must obey his orders so far as they are not inconsistent with Departmental orders. This is implicit in the position of the District Magistrate as Head of the Criminal Administration of the District. As a matter of fact, a large number of problems arise about the administration of jails in a district and the Superintendent of the District Jail, therefore, has to keep the District Magistrate informed of various matters connected with the Jails. The District Magistrate must make periodical inspections of the Jails in his district (these periods differ from State to State, but once a month is the usual rule, para 261 of the Madhya Pradesh Jail Manual). The primary purpose of this inspection is to keep a check on the disposal of criminal cases and to prevent detention of undertrial prisoners for long periods. The undertrials therefore receive special attention of the District Magistrate. Undertrials are usually detained on the authority of the Magistrates who are subordinate to the District Magistrate, and the District Magistrate is expected to ensure that disposal of criminal cases is quick. But he must also satisfy himself about the general efficiency and discipline of the Jail staff, the quality and quantity of food served to the prisoners and general sanitary conditions in the

Jail. He has certain powers in connection with sanctioning of contracts for supplies to Jails, and some other departmental matters. He classifies prisoners, holds an enquiry whenever a prisoner dies in Jail or escapes therefrom and assesses responsibility. In case of emergencies like resort to strikes or indiscipline on the part of any prisoner, he has to intervene. It is a settled rule that Police Officers have no access to Jails and can go inside to question a prisoner only on the authority of a Magistrate. The District Magistrate may in case of an emergency assume the charge of a District or Subsidiary Jail (Para 258 of the Madhya Pradesh Jail Manual). Before a Superintendent of a Central Jail, District Jail or a Subsidiary Jail can be granted casual leave, District Magistrate's permission has to be taken. In the absence of the District Magistrate from the headquarters the senior Magistrate may inspect the Jail. In case of Subsidiary Jails the Sub-Divisional Magistrate also is required by rule to inspect the Subsidiary Jail periodically (Para 946 of the Madhya Pradesh Jail Manual).

The State Government appoints a number of non-officials as visitors to the Jails and they can in their district visit the Jails and enter their remarks in the Inspection Book meant for this purpose. In some States there are also Discharged Prisoners Aid Societies who try to rehabilitate prisoners on their release.

## Judiciary

In every State there is a High Court at the head of the Judicial Administration. All Criminal and Civil Courts in the State are subordinate to it ; but its jurisdiction in some revenue matters is barred and in that sphere the highest court in the State is the Board of Revenue or the Financial Commissioner. The High Court has powers of superintendence over all Courts in the State. It makes rules, civil and criminal ; calls for a number of returns and issues other instructions regarding practices and proceedings of Courts and also determines the manner and form in which books, entries and accounts will be kept. Apart from this administrative authority it constitutes the highest Court of Appeal on the civil and criminal side and has also some original jurisdiction. Every High Court has also powers within the State concerned to issue to any person or authority, including Government, directions, orders or writs including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari* for the enforcement of rights conferred by the Constitution on the citizens of India and for any other purpose. High Courts are also responsible for postings and transfers of subordinate judges ; but the District and Sessions Judges are posted and transferred by the State Government, on the recommendations of the High Court. High Court Judges may inspect all Criminal and Civil Courts within the jurisdiction of the Court.

The highest judicial authority in the district is the District



Sessions Judge. He combines both civil (District Judge) and criminal (Sessions Judge) powers. Where work justifies, there may be an Additional District and Sessions Judge. Below are subordinate Judges. At this level there is a bifurcation : Additional Sessions Judges and Assistant Sessions Judges functioning on the criminal side and Civil Judges of various grades functioning on the civil side. The Criminal Courts, that is to say, the District and Sessions Judge, Additional Sessions Judges, and Assistant Sessions Judges decide serious criminal cases which are committed to them by Magistrates ; they also hear appeals from 1st class and 2nd class Magistrates' decision. Civil Courts are usually divided into a number of grades. Courts of the higher grades, *i.e.*, District Judge and Civil Judges of the senior division have unlimited original jurisdiction in civil suits and also are the Appellate Courts for, decisions from lower grade Civil Courts. The lower grade Civil Courts have limited jurisdiction and usually try suits up to the valuation of Rs. 5,000. Besides hearing suits, properly so called, the Civil Courts exercise jurisdiction over such matters as guardianship, marriage and divorce.

An appeal from the District Judge and the Civil Judges of the senior grade lies to the High Court ; on the criminal side an appeal from the Sessions Courts lies to the same Court.

There are also Small Causes Courts presided over by Senior Civil Judges and dealing with small suits but pronouncing final orders ; only a reference to the High Court on a point of law is possible.

The District and Sessions Judge has general control over all the Civil Courts and Sessions Court and their establishments within the district ; he inspects the proceedings of all Courts subordinate to him and gives such directions with respect to the matters not provided for by law as he may think necessary. There is considerable administrative work with him in regard to the control of the establishments attached to Courts. The District Magistrate and other Magistrates are not subordinate to the District and Sessions Judge (Sec. 17, sub-section v, Cr. P.C.) but the latter hears appeals from their criminal judicial decisions.

The judicial administration in a district is fairly uniform throughout India and variations are only minor. In every district in India there is a District and Sessions Judge except that sometimes a Sessions Division may comprise two or even three revenue districts. Apart from the District and Sessions Judge who combines both criminal and civil powers, and heads the district judiciary (Magistrates excluded), in Bombay there are Additional Sessions Judges and Assistant Sessions Judges on the criminal side, and on the civil side there is an Assistant Judge and the Civil Judges, the latter being divided into two divisions called the Senior Division and the Junior Division. The jurisdiction of the Civil Judges of the Senior Division is unlimited; the jurisdiction of a Civil Judge of the Junior Division extends to all original suits and proceedings of a civil nature wherein subject matter does not exceed in amount or value Rs. 5,000. Junior Division Civil Judges sit in some Taluks doing civil work for a number of taluks. They have also been invested with magisterial powers of the 1st class and do criminal work also. In M.P. on the criminal side there are no Assistant Sessions Judges but there are Additional Sessions Judges. The subordinate Judges on the civil side are classified into Class I and Class II. Here also there is a system of a Civil Judge Class II having charge of two or three Taluks and living at the headquarters of one of them. But he functions only as a Civil Court. In U.P., below the District and Sessions Judge are Civil and Sessions Judges who perform both civil and criminal judicial functions. Below them come the Civil Judges and below them the Munsif; these two constitute purely Civil Courts. The Civil Judges in U.P. correspond to Civil Judges Senior Division in Bombay and Civil Judges Class I in M.P.; Munsifs are like Civil Judges of the Junior Division in Bombay or Civil Judges Class II in M.P. In the Punjab, on the criminal side there are Additional Sessions Judges. On the civil side there are Sub-Judges of Class I, Class II, Class III and Class IV, their jurisdictions having been defined. No one is called Munsif in the Punjab. In Bihar, Bengal and Orissa there are Assistant Sessions Judges on the criminal side and Munsifs on the civil side. At the Sub-Divisional headquarters there is usually a Munsif posted. In Madras on the criminal side.

there are Additional Sessions Judges and Assistant Sessions Judges ; on the civil side there are subordinate Judges and District Munsifs. In Assam there is no separate personnel for civil work and the separation starts only at the level of the District and Sessions Judge and the Additional Judge. There is, further, some difference between the hill districts and the plain districts. Both in the plain districts and the hill districts one extra Assistant Commissioner on the staff of the Deputy Commissioner and another Extra Assistant Commissioner on the staff of the Sub-Divisional Officer in charge of the outlying Sub-Division, is named Munsif and he performs civil judicial functions. He may be reverted to the executive and magisterial work. In the hill districts the Deputy Commissioner is also a Civil Judge. In the plains there are separate Civil Judges. In the whole of Assam there are two District and Sessions Judges. A scheme is being worked out to separate judicial officers from executive officers. When the scheme is worked out, the judicial functions will be under the Assam High Court which was recently set up.

Thus in every district according to the volume of civil work and sessions work, Courts have been constituted headed by the District and Sessions Judge. The senior Courts both on the criminal and civil side are located usually at the headquarters of the revenue district ; but Civil Judge and more particularly Junior Civil Judges may sit both at the headquarters of the district and may also be distributed at important urban centres and at sub-divisional headquarters according to work and convenience of the public. Sometimes a Civil Judge or a Munsif would spend a few days at one place and some days at another place doing work, and then will report to his headquarters. The Sessions Court in their functions come in relationship with the Magistrates. The Cr. P.C. lays down what offences are triable by Courts of Sessions. These cases are not presented by the Police directly before these Courts, but are first enquired into by a Magistrate having jurisdiction. If the Magistrate does not discharge the accused, he may commit them to the Court of Sessions having jurisdiction. Then the proceedings begin in the Court of Sessions which disposes of the cases. Appeal lies to the High Court. The Courts of Sessions also hear appeals

from 1st and 2nd class Magistrate as mentioned above. The constitution, powers and procedure of these Courts are governed by the provisions of the Criminal Procedure Code. The procedure of the Civil Courts is regulated by the Civil Procedure Code. Civil Courts having original jurisdiction entertain plaints directly and give judgment. Appeal from lower Civil Courts lies with the higher Civil Courts which are usually invested with such appellate powers and to the District Judge, who is the highest Civil Court in the district. Appeals from suits which are originally decided by higher Civil Courts in the district lie to the High Court.

While Civil and Criminal Courts are different, the same does not apply to officers presiding in these Courts ; for a Civil Judge may be invested with Sessions powers as well ; there are Civil and Sessions Judges.

The district judiciary as described above is completely independent of the district executive headed by the District Magistrate ; exactly as the High Court completely independent of the State Government. This is an established principle and secured by law. The District and Sessions Judge is a very important functionary in the district and in order of precedence rank next only to the District Magistrate.

## ***Civil Medical Department and the Department of Public Health***

These two Departments have been in most States combined at the State level ; but at the district level they have separate officers and function separately, though working in cooperation. At lower levels the functions of the two Departments again become combined in single agencies in many States where the Assistant Surgeons and Sub-Assistant Surgeons in charge of dispensaries also look to the public health of rural areas. The medical organization is essentially a hospital organization designed to render medical aid and medical relief to the general population with ancillary specialist Sections providing for medical relief, medical teaching, laboratory assistance and research. This organization is based on the district as the primary unit. At every district headquarters there is a hospital styled the Civil Hospital or the District Hospital which is owned, staffed, financed and controlled by Government. The Civil Hospital is the centre of the official system of medical relief and is a superior hospital for the whole district. Subsidiary to it are Government aided dispensaries which are scattered throughout the district, at Sub-Divisional headquarters, at Tehsil headquarters and sometimes even at smaller urban centres. These are general purposes hospitals and dispensaries, though they may have specialized Sections

attached to them like an X-Ray Plant, an infectious Diseases Ward, a T.B. Clinic, and Maternity and Child Welfare Sections, etc. The District Hospital is in general charge of the Civil Surgeon of the district, in Madras known as District Medical Officer (DMO). In Madras DMO is the senior Civil Surgeon and is himself the Superintendent of the main District Hospital ; and if there is in the district some other big hospital, this may also be in charge of a Civil Surgeon who, however, will be junior to the DMO. These hospitals always admit in-door patients also and have arrangements for major surgical work. On the professional side the Civil Surgeon is physician, surgeon and obstetrician to the hospital and ordinarily does all the important professional work of the hospital. The DMO or the Civil Surgeon has also general control and supervision of hospitals and dispensaries in the district; he tours in the district and inspects medical institutions.

The other hospitals and dispensaries are distributed at Sub-Divisional headquarters, Taluk headquarters and may be even at Thana headquarters. Medical officers are in most cases provided by Government but these hospitals and dispensaries usually belong to local bodies, that is to say, either District Boards or to urban Municipalities. These local bodies make some contributions towards the salaries of Medical Officers and receive from Government some aid towards expenditure on medicines, buildings, and equipment, etc. Compounders, nurses, etc., are usually local bodies' employees. In the immediate medical charge of district hospitals and sub-divisional, taluk and thana dispensaries there are officers of the grade of Assistant Civil Surgeons, or Sub-Assistant Surgeons, according to the importance of the dispensary. Some of these dispensaries have arrangements for admitting in-door patients. To the bigger hospitals are attached Lady Doctors, though there are separate women's hospitals also which are in charge of women Civil Surgeons, women Assistant Surgeons and women Sub-Assistant Surgeons. In bigger hospitals there are arrangements for nursing and according to the importance of the hospital there may be matrons, sisters and nurses. Besides these there are subsidized and non-subsidized rural dispensaries. In the case of the



former the Government meet the cost of the staff and the local bodies meet the cost of the medicines. In the case of the latter the entire expenditure is met by the local bodies.

To reach medical relief to more rural areas, a scheme of subsidized Vaid and Hakims has been launched in almost every State. The subsidized Vaid or Hakims select a place for their practice, settle there and are given an initial non-recurring subsidy for instruments and equipment. Sometimes this is treated as a loan. Then they get recurring annual grants to meet the cost of medicines; they are subject to supervision by Government Medical Officers. In some States medical practitioners are also given the benefit of this scheme. They are required to perform epidemic duties also within a certain area and, for this purpose, are given additional medicines and appliances. In some States there is a system of medical chests. Medicines which are easy to use and give relief in case of common ills are given to the village headman or the village school master or the village accountant to be distributed freely when occasion demands. Apart from this there are mobile dispensaries which have been doing the work of medical relief in rural areas. There may be specialized mobile dispensaries like an eye mobile dispensary.

Besides this network of hospitals, dispensaries and other units for medical relief in every State there are some very big hospitals very well equipped for treatment of diseases and with a large number of beds for in-door patients. There are specialized hospitals for cancer and sanatoria for patients of T.B. and mental hospitals. There are research institutes of various types where medicines are also prepared. There are medical colleges and schools staffed with professors, lecturers and specialists to train medical personnel. Usually a hospital is attached to a college. There are also ayurvedic and unani hospitals and colleges. Every State has a State Medical Council and also a Board of Ayurvedic and Unani Tibbi Systems of Medicines. In every district there are some Departmental hospitals like the Police hospital and the Jail hospital. In some places there may be forest dispensaries. In every State there is a system of enrolling honorary medical staff in addition to the Government staff. These are attached to the Civil Hospitals. To advise the Civil Surgeons on



matters concerning the welfare and comforts of the patients, there are advisory committees for Civil Hospitals.

The work of the Public Health Department is the prevention and control of epidemic diseases. This work involves the following function :

Health propaganda by way of magic lanterns, health education and creation of health consciousness among the people ; dissemination of information as to how diseases are contracted, how they spread and how they can be prevented and treated, dissemination of general knowledge of health rules and healthy living ; vaccination, re-vaccination and inoculations ; disinfection of water supply ; sanitation at fairs and festivals ; general sanitation in rural areas, cleaning villages ; disinfection of the infected material ; construction of soak-pits ; removal of manure heaps from inhabited areas ; cleaning pits ; draining pools ; treating mosquito breeding places ; laying barium carbonate baits and disinfection of houses ; isolation ; urban sanitation, particularly water supply and drainage ; environmental hygiene ; action under Food Adulteration Act ; inspection of health of the school children and inspection of Jails and Police Lines ; special measures against malaria (this is a very big work) and leprosy ; research in nutrition problems ; looking after health problems during famine ; and the very big work of controlling of great epidemic diseases which break out from time to time, e.g., smallpox, cholera, plague and influenza, etc. In general, the Public Health Department organizes and controls the sanitary, anti-epidemic and vaccination work in the State. The Department enquires into and ascertains the causes, origins and distribution of diseases. It advises the local bodies on matters affecting the health of the people.

Public health is a subject which is administered by local bodies, either District Boards or Municipalities. The Government helps them by lending the services of its officers, giving grants-in-aid, and general guidance and supervision. In the district there is a District Medical Officer of Health (DMOH) who is attached to the District Board and is assisted by Sub-Divisional Health Officers, Health Assistants, Health Inspectors, Sanitary Inspectors and Vaccinators who are distributed in the district at various places. The lower staff is in the

employ of the District Board. On the urban side many Municipalities have a Medical Officer of Health (MMOH) who is similarly assisted by Sanitary Inspectors, Vaccinators and other Health staff. In minor Municipalities there are only Sanitary Inspectors with subordinate staff.

In Bombay there is a District Health Officer for every district and he is assisted by Sanitary Inspectors, Health Inspectors, and Vaccinators, etc. There is a network of Malaria Squads who are in charge of a Medical Officer. Some Municipalities have their own Municipal Medical Officers of Health who are Municipal employees but are subsidized by Government. Municipal Sanitary Inspectors are also subsidized by Government. In the Punjab the same system prevails. The District Medical Officers of Health are Government Officers whose services are lent to the District Boards ; the other staff, of course, is provided by District Boards. The Municipal Medical Officers of Health are individual appointments by Municipalities subject, of course, to Government sanction. Government has also certain rights in disciplinary matters. In U.P. the District Medical Officers of Health attached to District Boards in every district are Government officials ; and so are the Municipal Medical Officers of Health attached to some of the Municipalities ; smaller Municipalities have only Sanitary Inspectors who are employees of the Municipalities concerned. Here as elsewhere there are BCG Vaccination Teams. In Bihar the District Medical Officers of Health, known as Health Officers, District Boards, are Government officials whose services are lent to the District Boards. They are assisted by Sub-Assistant Health Officers at Sub-Divisional level and Inspectors at Thana level. Assistant Medical Officers of Health in charge of Sub-Divisions are also Government employees. Only a few Municipalities have a Health Officer ; most of them have only Inspectors. Both these Health Officers and Inspectors are Municipal employees except that some Municipalities may sometimes obtain the services of Government Health Officer. In Bengal the arrangement is the same except that the Sub-Divisional Health Officers, who are Government employees, are under the direct control of Circle Assistant Director of Health, though they work in cooperation with District Health Officers who are employees of the District

Boards. Some Municipalities in Bengal employ their Health Officers but most of them have their Sanitary Inspectors and in some there is no one and the Health work, therefore, is looked after by District Boards' Health staff. In Orissa, there are District Health Officers for districts (these are Government employees) and Health Inspectors in Taluks, and Municipalities have their own Health Officers or officers of inferior rank. In Assam, there are District Medical Officers of Health (who are Government employees) and Municipalities make their own arrangements, bigger Municipalities having Health Officer and smaller ones only Sanitary Inspectors supported by the usual staff. In Madras, there is a District Health Officer for every district ; in most districts he is assisted by Assistant District Health Officer (ADHO). There are Health Inspectors in every Taluk. They are the chief executive subordinates for giving effect to the public health measures. Besides these, the District Boards employ their own staff consisting of vaccinators, writers of births and deaths registrars, etc., etc. The Municipal Health Officers in Madras are Government employees, though a portion of their pay is contributed by Municipal Boards. In Madhya Pradesh arrangements are inadequate. There were Assistant Health Officers at the rate of one per Tehsil but most of these were drafted on specialized jobs like malaria control, BCG Teams, etc., and the remaining ones have been formed into a small number of Health Squads. These Squads are stationed at the headquarters of some districts and Civil Surgeons of those districts control and guide these Squads. Whenever an epidemic breaks out in a particular area, the Civil Surgeon nearest to the area deputes a reasonable number of personnel to that area to control the epidemic. The Assistant Medical Officers in charge of rural dispensaries are utilized for controlling epidemics and render health services in rural areas. A combined scheme of veterinary and public health departments has been launched for the training of multipurpose Government servants known as stockmen-cum-health assistants to give medical and veterinary first aid to villagers and their cattle. Several such Assistants have been trained and posted to various places in rural areas, each in charge of an area comprising a small number of villages. Here, as elsewhere, there are anti-malaria units doing special

work to control and curb the damaging and fatal effects of this disease (it is reported that 10,66,269 deaths were caused by malaria in 1947 ; of these 9,95,176 occurred in the rural areas. It is estimated that one hundred million people suffer from malaria and the annual mortality is estimated about one million).

In M.P. and Bengal, the Director of Health Services is also Inspector General of Prisons in addition to his duties ; in Assam the Inspector General of Civil Hospitals is also Inspector General of Prisons ; in Orissa the Director of Health is also I.G. of Prisons. Whether there is a single Head or two Heads they are usually assisted by Deputy Directors and Assistant Directors specially on the Health side. They may be in charge of certain functions, *e.g.*, in charge of plague, in charge of malariology, in charge of epidemiology, in charge of drugs control or in charge of maternity and child welfare section, etc. Some of these officers are in charge of ranges to supervise overall activities of the Department. For example in Bombay there are Assistant Directors of Public Health in charge of Registration Districts. In Bihar there are Assistant Directors in charge of Divisions ; in Bengal there are Assistant Directors for Circles ; in Madras there are Assistant Directors for Regions. District Officers function under their supervision.

The future pattern of development of integrated Medical and Public Health Services is a network of primary health centres covering both rural and urban areas and linked up with secondary and district centres. Work in this direction has already been undertaken in several States.

As on the medical side so on the health side, there are several colleges and research institutes. Mention may be made of All India Institute of Hygiene and Public Health at Calcutta, Malaria Institute of India, various nutrition bureaus and health laboratories, etc. Public Health subjects are, of course, covered by teaching programme of medical colleges also.

In every State there is a Board of Health which consists of officials and non-officials and advises Government on general questions of sanitary and public health policy including the formulation of the principles to be followed for

the healthy and orderly growth of the inhabited areas. The Board is also consulted by Government regarding large individual schemes of sanitary improvement and important measures for improving the Health Services of the State. The Board has considerable funds at its disposal and partly finances various health projects proposed and undertaken by various local bodies, in particular Village Panchayats schemes of digging wells for drinking water and schemes of sanitary improvement. Grants are given on various conditions, e.g., a certain percentage of cost must be met by the local body, scheme must be approved by the Board and the Board must have a say about the agency through which a particular work would be executed. In making grants the Board usually takes into consideration whether a particular body which has applied for a grant is taxing itself adequately or not. A good Revenue Officer, who tours the rural areas, can assist Local Bodies and particularly Panchayats in making these projects and obtaining grants from the Board.

In various States the organization of the Medical and Health Departments does not differ on any major point except that in some States the two Departments are combined and in others they are separate. But there are differences in various States in the extent to which medical and health services reach the rural areas and in their adequacy. In Bombay, Bihar, Assam and Madras the two Departments are separate and are headed by separate Heads of the Departments; elsewhere the two Departments are combined and are under the same Head. In Bombay the Head of the Medical Department is known as Surgeon General, and of Public Health as Director of Public Health; in Bihar there is the Inspector General of Civil Hospitals and the Director of Public Health; in Assam there is Inspector General of Civil Hospitals and the Director of Public Health; and in Madras the two officers are known as Director of Medical Services and Director of Public Health. In Madhya Pradesh, Punjab and Bengal the combined Head is known as Director of Health Services; in U.P. as Director of Medical and Health Services; and in Orissa as Director of Health.

### **Public Health Engineering**

Public Health activities cannot be carried out without the

help of engineers. Therefore, there is in every State a Public Health Engineering Branch of the Public Works Department. In Bombay there is a Public Health Engineer supported by Executive Engineers and Deputy Engineers ; in M.P. the Public Health Engineer is assisted by Executive Engineers and Assistant Engineers ; in U.P. there is a Local Self-Government Engineering Branch with Chief Engineer, Water Works, and Mechanical Engineer, Superintending Engineer and a number of Executive Engineers and Assistant Engineers ; in the Punjab the Public Health circle of P.W.D. is headed by Superintending Engineer who is assisted by Executive Engineers and Assistant Engineers ; in Bihar for Public Health Engineering Department there is Chief Engineer, Superintending Engineer, Executive Engineers and Assistant Engineers ; in Bengal there is Chief Engineer, Public Health Engineering, who has a number of Executive Engineers and Assistant Engineers under him. In Orissa this Branch is headed by Public Health Engineer who is assisted by Executive Engineers and Assistant Engineers ; in Assam there is no proper Public Health Engineering set-up ; general assistance when needed is taken from local engineers.

In Madras Municipal Engineers Service has been reorganized, the Chief Engineer being called the Sanitary Engineer to Government. Thus Public Health Divisions and Sub-Divisions have been created under Executive Engineers and Assistant Engineers. The Department is supported by a large number of specialists and experts. The Department advises and acts as consultant to local bodies and Government institutions throughout the State in matters concerning sanitation and Public Health ; maintains water supply and drainage works owned by Government on behalf of local Bodies ; projects major water supply and drainage schemes for towns and villages sponsored both by Government and by Local Bodies ; executes water supply and drainage projects of Government and on behalf of Local Bodies ; gives advice on purchase, maintenance and repairs, depreciation, etc., of all pumping and boring machinery in the State, to Government and also Local Bodies ; runs workshops for repairs and stocks scarce material needed for the construction of Public Health projects and trains young boys as artisans,



and trains superior and subordinate staff in the Specialized Branch of the Public Health Engineering. In more concrete detail, the Department has to concern itself with water supply, conservancy, drainage, sewage, compost and other health projects. Whenever Municipalities or other Bodies project engineering schemes of Public Health, the Executive Engineer or the Assistant Engineer concerned investigates these schemes, prepares designs, scrutinizes estimates and renders assistance in execution. Government would give no grant unless a Municipal scheme has passed through this Department. Various Municipalities have vast plants which have to be properly maintained and inspected. While minor schemes may be executed by Collector's staff, for all big rural schemes including rural water supply schemes and designing and construction of sanitary types of latrines, this Department's help is necessary. The Department offers advice to the Revenue Department also whenever sought for on some of these scheme executed by the Revenue Department. This Department also exercises control over Municipal Engineering Service. Municipal Engineers, of course, are Municipal employees and paid by Municipality. Smaller Municipalities employ supervisors and overseers. In some States, moves are afoot to provincialize these Municipal Services.

It will be seen that the stage is well set for Medical and Public Health activities ; but the present problem is how to expand these activities and services without deterioration in quality. The problem is not only one of building more but also of maintenance. The expansion and the quality of these services have not always gone hand in hand and some of the reasons advanced are these : paucity of female nurses ; small salaries of doctors and even when private practice is allowed, this is not lucrative ; promotions to the grade of Civil Surgeons only on principle of seniority ; rising cost of medicine, equipment and foodstuffs ; and little money available for improvement of equipment and repairs of buildings.

Health is the most important problem because it is most fundamental, probably more fundamental than education. Some administrators are of the opinion that no problem can be solved unless first health problem is solved ; people suffering from chronic diseases, lacking in energy, illness taking away



many of their working days in a year, naturally become the victims of inertia ; both ambition and will to improve one's standard of living are lacking ; the joy of life is not there ; the impetus which sound animalism provides to material progress is absent ; people get used to the standard of living in which they are born ; the powerful forces of inertia are against any change. It is doubtful what improvement can be brought about by even educating such people ; anyone can see pale-looking boys and girls collected together in damp rooms under unsanitary conditions being taught the three Rs. Even if this meant something, it comes to nothing a short-while afterwards for they relapse into illiteracy in the absence of books and libraries in villages ; even to make education lasting and useful it is necessary first to ensure minimum health and make that the vehicle for improving the material standard of living ; for illiteracy does not always mean ignorance and a healthy people possessed of sound commonsense can achieve a lot. This is not to say that education or even literacy has not its place in the scheme of improving people. But the claims of sound health should not be neglected.

The District Magistrate and his revenue subordinates, who are charged with the welfare of rural areas and are in close touch with them, are naturally interested in Medical and Public Health Services which play such a useful part in the life of the people. Public Health activities touch public life at many points and District Collector's help and guidance is necessary. Most of the medical and public health activities are directed under the auspices of the Local Bodies and the Collector having supervisory powers over these Bodies has naturally to coordinate the work between the Public Health officials and the Local Bodies. He has even statutory powers to discharge these duties if a Local Body fails to do so. He is also the Chairman of the Hospitals Committee which is concerned with general policies regarding public health services in the district. His help is necessary in case of land acquisition for building new hospitals and for planning and location of new hospitals, dispensaries and centres. It is the revenue staff in the villages and village officials who are responsible for collection of vital statistics and reporting them to the Health Department and also for reporting outbreak of epidemic

diseases. In case of a famine, the District Health organization looks after the sanitary arrangements at famine relief works which are managed by revenue officials. Similarly, at religious fairs and festivals Public Health activities are directed in close consultation with revenue officials who are in charge of these fairs and festivals ; and all health schemes for these purposes are drawn up in consultation with revenue officials. But it is in case of outbreak of epidemic diseases that the District Magistrate's duties become manifold and varied. He provides the legal basis for mass inoculations, isolations, disinfecting work, destruction of infected material and food and entry into houses, etc., by promulgating orders under various Acts. Without this legal basis Public Health activities could not be carried out during an epidemic. All the revenue staff helps the Public Health officials and the Collector assumes almost direct control of anti-epidemic operations. Proposals for coping with an epidemic have to pass through the Collector and he also initiates more lasting measures in this regard. Apart from this, Collectors can use their influence and good offices with the public to encourage the people to render help to Public Health officials in many ways. There have been cases where through Collector's good offices maternity centres have been opened in outlying places, lands have been given for building of new hospitals, new committees have been formed in villages to collect subscriptions for new health projects, and sanitation has been improved by voluntary work. The Sub-Divisional Magistrates can use their powers under Section 133, Cr.P.C. for removal of nuisances to improve the sanitary conditions in the villages and to get soak-pits made ; rubbish can be removed and put into manure pits ; and they can generally promote in villages small health schemes like pavements, culverts, streets, drains and well for clean drinking water, etc. Good revenue officials touring in rural areas can by useful work improve the sanitary and health conditions in their charge ; they can get grants from the State Public Health Boards and promote local enterprise ; such little acts of benefit go far in improving the face of the countryside.

## **Education**

Education is a State subject, though the Government of India finance certain Universities and technical institutions and control Central Agencies and Institutions for professional, vocational and technical training, and for promotion of special studies and research.

The State Governments, therefore, are primarily responsible for education in their States. The Director is the Head of the Department and is appointed by the State Government and functions under the Minister of Education. He controls the Inspecting Staff and is responsible for carrying out the educational policy of the Government.

At several levels various institutions impart education to the public. Primary education is the responsibility of rural local boards and urban municipalities, though some schools are run by Panchayats and private enterprise also. State Government gives grants-in-aid and also provides for inspections, though the local bodies usually have their own Inspectors as well (e.g., Administrative Officers in the State of Bombay). There are various grades of schools teaching Indian languages which are also controlled by the local boards and municipalities. Education at the secondary and higher secondary stages is provided by high school and higher secondary schools or intermediate colleges which may be Government institutions or private institutions recognized and aided by Government. Government institutions are directly controlled by the Director

of Education ; but he exercises only indirect control on private institutions through the Inspectorate and by advice. Though these private institutions are managed by their own Managing Committees, Government can always influence their administration through grants-in-aid which they give. Examinations organized at the high school level and the intermediate level and education at these levels is controlled in many States by High School Boards and Intermediate Boards (names differ in various States ; names of these examinations have also been changing from time to time in the same State). Usually there would be a Government High School at the headquarters of every district and major Sub-Divisions ; in addition there may be several private high schools. In bigger cities there would be a Government Degree College ; there may also be private degree colleges. These are affiliated to one of the examining Universities. In Madras a Government High School is not a feature of every district. There are a few degree colleges, but mostly they are private and aided. Primary Schools in Madras consist of 1st to 5th Standards (also known as elementary schools). Higher Elementary Schools consist of 1st to 8th Standards. Then there is the secondary education. In many districts there are Government High Schools for girls. There is no ban on co-education. Besides this general education in arts and sciences, there are various technical colleges and technological institutes which have been established by Government. There are also training institutions for teachers. There are special schemes like Social Education Schemes in various States ; Certified Schools in Madras which deal with the reformation of juvenile delinquency and with the protection of children and young persons ; Social Sciences Institutes ; Military Education and Physical Education ; Visual Education in Bombay ; and Basic Education Schemes which are being experimented practically in every State.

The Director who is charged with the execution of Government's educational policies and the supervision of Government educational institutions and educational personnel and who is also adviser to Government on educational matters is known in various States as the Director of Public Instruction (DPI) except that in U.P. his designation has been changed to Director of Education. The controlling and inspecting staff of the

Department of Public Instruction is organized substantially on uniform lines in various States, though details and designations of officers differ from State to State. The Director of Public Education (or the Director of Education) is assisted at headquarters by a Deputy or an Assistant Director of Public Instruction (Deputy Director of Education). The superior inspecting staff consists of Divisional Inspectors of Schools who are distributed one for each Division, Region, Zone or Circle. In Madhya Pradesh they are known as Divisional Superintendents of Education; in Bihar, Madras and Punjab as Divisional Inspectors of Schools; in Bombay Educational Inspectors; in U.P. Deputy Directors of Education (for Regions); and in Assam as Inspectors of Schools. In Orissa and Bengal there are no Divisional Inspectors. These Inspectors' primary function is to inspect High Schools and Colleges and to supervise that other inspecting staff perform their duties. They report on Government and other recognized Schools and provide guidance to Managers and teachers. The buildings, grounds and equipment, the moral and physical training of the people and the efficiency of the staff, and the management of the hotels require their special attention. They also ensure that various provisions of education, Acts and Rules made thereunder are being observed and Government directions are being enforced on various matters.

Each district has usually a District Inspectors of Schools who is responsible for the inspection and supervision of education in his district and for the proper performance of duties by his subordinate inspecting staff. The District Inspector of Schools is assisted by a number of Assistant District Inspectors of Schools who are in charge of primary education in tehsils (the Additional District Inspector of Schools being in charge of social education); in Orissa the District Inspector of Schools is assisted by Sub-Inspectors and Assistant Sub-Inspectors of Schools; in Bihar he is assisted by a number of Deputy Inspectors of Schools who are in charge of Sub-Divisions and a larger number of Sub-Inspectors of Schools who are in charge of Circles or Thanas; in West Bengal he is assisted by Sub-Inspectors of Schools who are in charge of Sub-Divisions (there being no Deputy Inspectors in Bengal); in Madras where the District Inspector of Schools known as

District Educational Officer, he is assisted by Deputy Inspectors of Schools ; in U.P. he is assisted by Deputy Inspectors of Schools ; in Bombay the District Educational Officer is known as Deputy Educational Inspector and is assisted by Assistant Deputy Educational Inspectors ; in Punjab the District Educational Officer is assisted by a number of Deputy Inspectors of Schools ; in Assam Assistant Inspectors and Deputy Inspectors of Schools are in charge of Education Department's activities in various areas. There are other subordinate officers also.

For the inspection, supervision and control of girls education, there is a parallel hierarchy of officers, though under the same Director. At the State headquarters there is a Deputy Directress of Girls Schools (in Orissa she is known as Inspectress of Schools ; in West Bengal as Inspectress for Women's Education ; in Bihar Deputy Directress of Girls Education, in U.P. Assistant Director of Education (Women) ; in Punjab Deputy Directress of Public Instruction ; in Madhya Pradesh, Bombay and Madras there are Inspectresses of Girls Schools for Circles). She is assisted by Deputy Inspectresses, Divisional Inspectresses, Assistant Inspectresses of Schools distributed regionally (designations differ from State to State). District Inspectresses of Schools are not stationed in every district and their charges are bigger. At lower levels inspection work is carried out by men officers as well.

Thus every district has an Educational Officer who is responsible for inspecting all Government Educational Institutions which include in some States even high schools. He is responsible for executing Government educational policy at district level ; ensures that his subordinates inspect Primary Schools ; remains in touch with local bodies and provides them guidance and help. The District Educational Officer has to keep the District Magistrate informed of broad educational policies of the Government and important administrative matters connected with the running of the schools whether of Government or of local bodies in the district. The District Magistrate is the chief authority in his district and his functions and responsibilities in connection with education in his district are analogous to those of the Commissioners in the Divisions. He exercises a general supervision over education

within his jurisdiction. He is always consulted before any important educational measure is put forward. It is also open to him to take the initiative in making proposals and suggestions on such matters. He is entitled to call for information on educational matters from any Officer of the Education Department (see paras 140 and 141 of the Madhya Pradesh Education Manual). The District Magistrate may inspect educational institutions whether belonging to Government or to local bodies and note the results of his inspection in the visitors book. Of many private Schools and Colleges he is the Chairman of the Managing Committee and in this capacity exercises a large measure of control over such institutions. He is expected to use his influence for the promotion of education. On certain matters the correspondence of Inspectors with the Director of Public Instruction is routed through the District Magistrate and the Commissioner. District Magistrates have special responsibilities in connection with the Schools managed by local boards and municipalities (see various Municipalities' Acts and Local Boards' Acts). They also have special responsibility towards the education of aboriginal tribes. As most of the troubles and ills of a people, their degradation and their material lowliness boil down to ignorance, the promotion of literacy and education is of supreme importance and, therefore, District Magistrates take great interest in this work and help the cause of education in every way they can. Some of the ways they can help are : Planning the location of new schools; influencing villagers to make gift of a site ; to provide money, if possible, and to elect a committee to supervise the running of the school in the village ; while on tour they encourage teachers, inspect the schools and provide guidance in such matters as the health of the children, promotion of games and the improvement of building, the collection of a library ; ensure that departmental officers are doing their duties towards the schools, e.g., the Sanitary Inspector permaganates the school well, the Health visitor pays the periodical visit to the school and that the teachers' salaries are paid in time in case of schools of local bodies. They may be able to promote scouting and extra-curricular activities ; in bigger villages they may be able to promote night schools for adult population and may discuss with the



villagers the value of girls education.

The Education Department, thus, deals with the maintenance and running of educational institutions and execution of new policies of Government. In various States, Governments have launched a policy of compulsory education in various areas ; they have also launched schemes for better education of backward classes. Education is an expanding subject and efforts are being made to make more and more people literate. There are many incidental matters connected with the education of the public and the Education Department has to deal with them. Some of these functions are recruitment, training, appointment, promotion, punishment and transfer of teachers ; enforcement of Rules regarding recognition and grants-in-aid ; fees, admission of students, scholarships and stipends ; medical examinations ; holding of examinations and promotions ; framing of curricular and prescribing of text books ; hours of study and vacations ; fines, removal, rustication and other punishments of students ; looking after buildings, furniture, and libraries ; management of hostels, games and extra-curricular activities ; National Cadet Corps and Military education ; literacy and scientific, educational endowments, departmental committees, scouting, etc., etc. Apart from these there are usual household duties of looking after the staffing of offices and discipline and internal economy of the Department.

The regional set-up of the administrative and the controlling staff has been described above ; but some inspecting work has been distributed functionally, *e.g.*, there may be one Chief Inspector for the whole State for Secondary education, there may be another for Anglo-Indian Schools ; there may be another for basic education and yet another for physical training. There are some Boards which have been constituted for certain purposes, *e.g.*, Boards for various examinations ; Board for prescribing of text books, etc., etc.

The State Department of Education thus controls all educational activities in the State below the University stage. Universities are autonomous bodies though State Governments can always have their say and influence the administration of a University by virtue of the grants which they make to the Universities.

## ***Agriculture***

In every State the Agriculture Department is in charge of a Director who functions under the State Minister of Agriculture. The main functions and duties of the Agriculture Department are to educate the cultivators by propaganda and to assist them in adopting the improved methods of cultivation, to help and guide them in their day-to-day agricultural practices, to give wide publicity to results of research and experiments conducted, and to distribute to them improved strains and seeds and popularize the use of organic and inorganic manures—all this with the object of securing the maximum yield from the land. The Department also attends to the needs of the cultivators for supply of agricultural implements and machinery, pumping sets, tractors and bulldozers and well-sinking appliances, etc. It takes prompt remedial measures in respect of crop pests and diseases. Marketing surveys on various commodities are also undertaken through the Agricultural Marketing Branch of the Department and the cultivators are assisted in the marketing of commercial crops. To break this up in detail, the activities of this Department may be summarized as follows :

1. *Research* : Research is the corner-stone on which the superstructure of agricultural development ultimately depends. Each State has one or more research institutes. They are organized more or less on the same pattern as the Indian Agricultural Research Institute, New Delhi, is organized,

*i.e.*, they contain Divisions of Agronomy, Agricultural Engineering, Soil Chemistry, Mycology, Entomology and Botany. Every State has a number of research stations devoted exclusively to the improvement of various crops, evolution and development of improved and resistant varieties of seeds. Some of these crops are rice, wheat, cotton, sugarcane, groundnut and linseed. Government farms are an integral part of these institutions. They are, however, of four types :

- (i) Specialists' Research Farms which are meant exclusively for research like evolution of improved varieties of crops, standardization of manurial, cultural and hydrolic schedules, etc. Very good work has been done in this behalf, *e.g.*, paddy seeds evolved in Madras ; wheat seeds evolved in the Punjab ; and sugarcane seeds evolved in U.P., etc.
- (ii) Experimental farms which are meant to test the suitability of various varieties evolved by specialists to local agricultural conditions. These farms are spread in areas of differing kinds of soil. Various types of improved implements are also designed at these farms like ploughs, harrows, drills, reapers and cane-crushers, etc. ; and implements designed by farms are tested here.
- (iii) Demonstration farms which are meant to demonstrate the superiority of varieties evolved by research stations or such other improved agricultural practices. These farms are located at district headquarters and also at sub-divisional and tehsil headquarters. Improved varieties are grown side by side with indigenous varieties in order to convince the farmer through demonstration that he should take to better seeds and better implements and better agricultural methods.
- (iv) Seed farms which are meant for the production of seeds of improved varieties so that they may be supplied to farmers on payment for their use.

A single farm may, of course, combine the characteristics of several types of farms. In some States there are Research

Councils which approve the programme of work, and review the progress of research in the State.

2. *Agricultural Education* : Every State has one or more agricultural colleges and research institutes and also schools where agricultural officers are trained. Some of these colleges house good libraries on agriculture.

3. *Agricultural Engineering* : Every State maintains a number of agricultural engineers. The aim of this branch is to popularize the mechanization of agriculture and to manufacture improved designs of agricultural implements and to supply them to cultivators at cheap rates. This branch also maintains centres for stocking, servicing and distributing to the cultivators electric motors, starters, diesel-oil engines, pipes, and fittings on hire-purchase system. They specially look after tractorization of agriculture.

4. *Agricultural Marketing* : This branch helps in the better regulation of purchase and sale of commercial crops and undertakes investigation work and development work and work of grade standards. This branch often works through cooperative societies.

5. The Department maintains a number of gardens and also various other institutions. Extension service is being developed in various States and land reclamation work has also been undertaken in connection with extension of cultivated area. Soil conservation also forms part of the duties of the Department.

Even as late as the thirties, the work of the Agriculture Department in districts was mostly confined to maintenance of a few demonstration farms and seed stores from where improved seeds were distributed to the cultivators. The work of the Department, however, rapidly and greatly expanded during the course of the implementation of the Grow More Food Schemes. The Department now in every State works in close cooperation with other connected Departments and under the leadership of the District Collector for improving the quality and quantity of crops particularly the foodgrains. The work, therefore, has greatly increased both in volume and variety. The Department now assists in the extension of minor irrigation works and excavation of new distributaries and sinking of tube-wells and boring of old wells, in raising,

banks of channels, construction of bunds, arranging for storage, in reclamation of land and mechanical cultivation, and distribution of fertilizers, improved seeds and iron, cement, and coal for construction of works and surface percolation wells. It assists in anti-erosion and soil conservation work by demarcation, contouring, trenching, training of hill torrents, terracing, sowing and plantation, etc. Destruction of animals like jackals, monkeys, and rats has also been undertaken. The Department also manufactures compost. Through the Revenue Department various kinds of loans and advances are made to cultivators to help them in meeting agricultural needs and improving their land.

Apart from irrigational facilities, improved seeds, improved implements and manure, consolidation of holdings is a major factor in the rehabilitation of agricultural economy and increasing yield from the land. Cultivation requires a minimum economic holding, the area of which has to be even larger for mechanized agriculture. This work is done by the Revenue Department.

In the expanded scheme of agricultural improvement as indicated above, Agriculture Department cannot deliver the goods by itself ; it has to work in cooperation with Irrigation Department, Animal Husbandry Department, the Department of Cooperative Societies and to a lesser degree in cooperation with the Public Works Department and the Department of Forests. In such a combined effort the leadership is naturally assumed by the District Collector in his district for it is the Revenue Department which is nearest to the villages, as its staff reaches down to every village and enjoys general prestige with the villagers. The Revenue Department has all information and statistics about the rural and agricultural life through the Patwaries. The District Collector is, therefore, the Chairman of the district Grow More Food Committee ; the SDO is the Chairman of Sub-Divisional Grow More Food Committee and the Tahsildar is the Chairman of the Tehsil Grow More Food Committee. In several States there are village Grow More Food Committees of which Patwaries are the Secretaries. The Agriculture Department, therefore, works in close cooperation with the Revenue Department and the District Agricultural Officer not only runs his Departmental activities in the

district but also is Agricultural Adviser to the District Collector. The Agriculture Department is not everything which its name may signify. It doubtless collects various statistics about weather conditions, standing crops, diseases of plants, etc. ; but most of the village statistics are collected by the Revenue Department except in the Bengal system where there are no Patwaries and Revenue Inspectors and this work is mostly done, though on a limited scale, by the Agriculture Department. It is the Revenue Department which assesses damage to crops, and sanctions loans, remissions and suspensions of revenue and rent and affords other relief. All agricultural loans are sanctioned by the Collector, distributed by the revenue staff and also recovered by them. The Collector is very vitally responsible [for the agricultural prosperity of his charge and keeps himself fully informed about agricultural conditions in the district. The Agriculture Department, therefore, is in need of all the help which the revenue authorities can render for the efficient discharge of their duties. Many reports of the District Agricultural Officer pass to the Collector. The Agriculture Department is largely dependent on the Revenue Department in the collection of its statistics ; in the sphere of its work of research, the Revenue Department suggests subjects to which the technical investigation and research could be advantageously directed ; and in its propaganda work the Agriculture Department has often to seek the aid of revenue officials specially of the Tahsildar and village officials. In the work connected with crop-cutting experiments and Registered Growers System, the Agriculture Department has to rely largely on the revenue officials. The District Collector, therefore, inspects demonstration farms and seed stores and other institutions run by Agriculture Department and provides guidance. He also helps in the implementation of general agricultural schemes.

The Department is organized more or less on the same lines throughout India. In every State there is a Director of Agriculture who may be assisted by a Joint Director and Deputy Directors. One or two Deputy Directors are at the headquarters and generally assist the Director. Others perform functional duties, for example, a Deputy Director may be in charge of extension services throughout the States ; another may be in charge of fertilizers and manures, and yet another

may be in charge of soil conservation. In M.P. there are Deputy Directors for wheat zone and cotton zone. The third type of Deputy Directors are in charge of regions and supervise and control in their regions overall activity of the Agriculture Department. Madras State has the most elaborate establishment ; it has three Joint Directors, one for engineering, the other for agriculture and the third for extension service ; there are two Deputy Directors at headquarters and eight Deputy Directors for regions. In Orissa there is a Deputy Director at headquarters and another Deputy Director in charge of extension service ; there are Assistant Directors of Agriculture who are in charge of ranges ; some of them are in charge of certain functions like land reclamation. In Assam there is a Deputy Director for Upper Assam Valley and another for Lower Assam Valley. There is also a functional Deputy Director in charge of livestock. In Bengal there are Deputy Directors in charge of ranges and one Assistant Director headquarters, a Deputy Director for extension service, and Deputy Directors for ranges. In Punjab there is one Deputy Director only ; in U.P. there is a Joint Director headquarters, a Deputy Director headquarters and several functional Deputy Directors. In Bombay there is a Joint Director headquarters and several Deputy Directors among whom work is distributed on a functional basis, *i.e.*, one is in charge of crop research, the second is in charge of research and education, the third is in charge of manures and fertilizers, etc.

At the district level there is a District Agricultural Officer (in Bombay, U.P., Punjab, Bihar, Assam, Orissa and Madras they are known as District Agricultural Officers ; in M.P. they are known as Extra Assistant Directors of Agriculture ; in Bengal they are known as Superintendents of Agriculture). Sometimes a District Agricultural Officer may be in charge of more than one district. In Bombay there is usually an officer known as Agricultural Officer in charge of Revenue Sub-Division or even of a Taluk. Under him there are Agricultural Assistants usually three to five in a Taluk and in charge of a group of villages. They live in their Circles and cater to the needs of the cultivators. They keep demonstration farms, supply improved seeds, look after the management of the



Registered Growers System, supply manures and fight diseases of crops. In Madhya Pradesh under the Extra Assistant Directors of Agriculture there are Agricultural Assistants, one for every Taluk ; under him there are Overseers, one for every Revenue Inspector's Circle. In certain villages there are demonstration *Kamdars*. In Bihar, District Agricultural Officers are assisted by Grow More Food Officers. At the Sub-Divisional level there is a Sub-Divisional Agricultural Officer ; at Thana levels there are Overseers ; and in some villages there are *Kamdars*. In Bengal for every Sub-Division there is a Sub-Divisional Agricultural Officer who is assisted by Agricultural Inspectors : one for every Thana. In Bengal Live-stock Officers and Poultry Officers function under the Superintendent of Agriculture. In Assam, District Agricultural Officers are assisted by Agricultural Inspectors. In Orissa there are Agricultural Inspectors for Sub-Divisions and Agricultural Overseers for Taluks. In Madras the District Agricultural Officer is assisted by Demonstrators, one or two of whom are posted in every Taluk ; they in turn are assisted by Fieldmen and demonstration *mistries* who carry out the programme in villages ; they keep Depots and Sub-Depots for sale of seeds, manures, implements, sprayers, insecticides and fungicides, etc. In Punjab there is a Deputy Director headquarters, several Regional Deputy Directors and also some Deputy Directors whose work is on a functional basis. At every district there is a District Agricultural Officer who is assisted by an Agricultural Assistant in every Tehsil. There are Agricultural *Mukaddams* in villages. In U.P. the Director is assisted by Joint Director and Deputy Director headquarters and Deputy Directors among whom work is distributed on a functional basis and who are also in charge of regions. There are District Agricultural Officers for every district who are assisted by Agricultural Inspectors, etc.

This is the general pattern of organization in various States and the agricultural organization goes down to the villages. There are variations from State to State and in the same State also ; but these don't affect the general picture. The organization thus reaching down to the villages performs all the duties which have been assigned to the Agricultural Department and in particular looks after cultivators' needs.

*e.g.*, supply of seeds demonstration and propaganda, crop and plant protection and land development in general. It works in close cooperation with Revenue Officers. In many States there are village agricultural associations. The most distinguishing feature of Madras Agriculture Department is the provision of extension service. There are several agricultural research stations and the extension work is carried out by paid Government officials known as Agricultural Demonstrators, one at every Taluk headquarters. Madras Government has also launched a scheme of creating individual farmers as honorary demonstrators with a small stipend. For multiplying the seed, the Registered Growers System has been adopted as in several other States. There are difficulties now in acquiring more cultivable land for Government farms and for multiplying improved seeds and therefore this system is considered expedient. Improved seed is given to registered farmers who are bound under contract to return the seed and sell more seed to Government at prescribed rates. Thus Government's stock of improved seeds keeps on multiplying and more and more farmers can benefit.

## ***Department of Cooperative Societies***

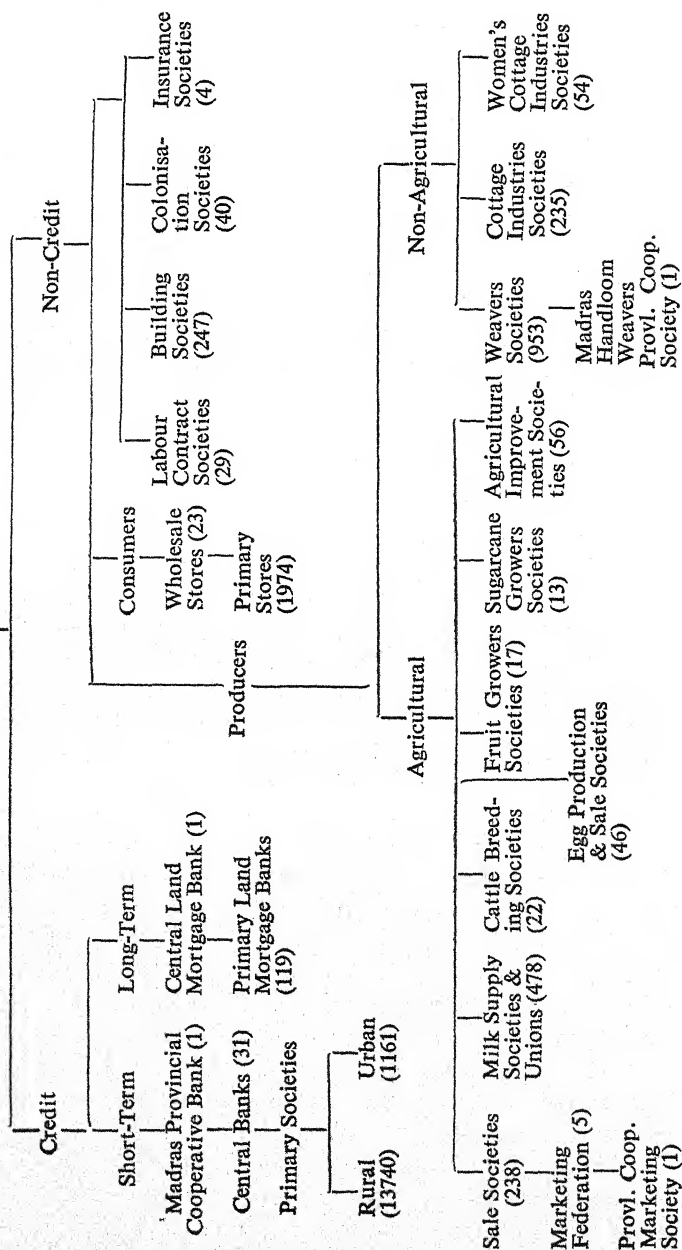
The principle of cooperation has been well illustrated in the story of 'Durga Sapt Shati'. When gods fought demons several times but were defeated every time, they took counsel together and worked on the principle of cooperation—everyone of them contributed one '*ansh*' of his and the result of this pooling of resources was Durga who had no difficulty in defeating the demons. What individual action cannot achieve, collective action can, provided everyone plays his part and there is a common objective. A cooperative society is a voluntary organization of persons working on an equal footing (one member one vote) for the promotion of their interests, mainly economic. The cooperative movement is primarily a people's movement and depends for its success on their will and ability to help themselves. The role of Government in relation to cooperative societies is one of active helpfulness intended to stimulate cooperative enterprise and to guide it and keep it on sound lines. Without either attempting to compel or replace local initiative or self-help, Government can, of course, promote conditions under which cooperatives can thrive and develop. And yet in India the cooperative movement was sponsored by Government and the purpose was to solve the problem of rural indebtedness. It was part of the same policy which led to the passing of Land Improvement Loans Act and

Agriculturists Loans Act. The first Act relating to cooperative societies was passed in 1904 called 'Cooperative Credit Societies Act' ; to enlarge the field of cooperation so as to cover non-credit activities as well, Cooperative Societies Act was passed in 1912. Cooperation is now a State subject and several other Acts have been passed. Thus to begin with, the co-operative movement in this country was a movement from above and not from below. Cooperative legislation at first was framed not in response to an insistent demand from the people ; but was initiated by Government which was impressed by the beneficial results the movement had achieved elsewhere and which it might bring about in India. The idea was first conceived by Government of Madras which sent an officer to Europe to study the theory and practice of agricultural banking and to suggest means by which a similar movement could be started in Madras.

Cooperative Societies may be divided into graded and non-graded. The table given on the next page will show the position in Madras. The position is more or less everywhere the same, though details differ. In 1949-50 the total number of cooperative societies in India was 173094 ; membership of primary societies was 12561016. Working capital of all types of societies was Rs. 2331028870 ; loans advanced by primary societies amounted to Rs. 705608272 ; and profit earned by all types of societies was Rs. 40454307. (Position in every State can be found in its Annual Report on Cooperative Societies).

Another way of classifying cooperative societies is to divide them between Agricultural Societies and Non-Agricultural Societies. Under Agricultural Societies will be graded societies and non-graded societies ; similarly under Non-Agricultural Societies there would be graded societies and non-graded societies. The following description will show the types of societies usually found in India and also the kind of activities to which the principle of cooperation has been applied. On the agricultural graded side there are the State Cooperative Banks which finance the Central Cooperative Banks which function in the districts and which in turn finance primary societies. Thus we have village primary credit societies, Central Cooperative Banks and the State Cooperative Banks.

THE RE-ORGANIZATION OF COOPERATIVE SOCIETIES ORGANIZATION



The Primary Credit Societies which exist in villages place a cheap and honest banking system at the service of the rural people. They borrow funds from members and utilize them for loans to members for useful purposes. The loans are usually advanced for productive purposes. These Societies are run by their members who once in the year come together in a general meeting and pass the budget, examine the statement of accounts, settle general questions like rate of interest on loans, etc., and action to be taken against defaulters and elect a Managing Committee. The Managing Committee carries on the business of the Society and holds numerous meetings. These Primary Societies are affiliated to the Central Banks which form the backbone of the cooperative movement. They receive deposits and employ them safely and profitably in financing the Primary Societies. The Central Banks are composed primarily of Societies financed by them, though individuals are also admitted as shareholders. At the apex stands the State Cooperative Bank. The function of this Bank is to take over surpluses of Central Banks and supply them the funds when necessary. The strength of this organization lies in the fact that it is a well knit, interdependent system, based on Primary Village Societies. There is an allied organization of Land Mortgage Banks which have come in very useful to indebted agriculturists. Under head Agricultural non-graded societies may be mentioned Multi-purpose Societies, Marketing Societies, Sugarcane Growers Societies, Tobacco Growers Societies, Potato Growers Societies, Compost Societies, Societies for supply of agricultural requirements, Embankments Societies, Lift Irrigation Societies, Crop Protection Societies, Purchase and Sale Societies, Better Farming Societies, Producers' Societies, Joint Farming Societies, Collective Farming Societies, Land Colonization Societies, Consolidation of Holdings Societies, Cattle Breeding Societies, Ghee Societies, Milk Societies, Poultry Societies and Fruit and Vegetable Societies, etc., etc. On the Non-Agricultural graded societies' side there would be the Urban Cooperative Banks and other graded societies and there will be some specialized societies like Fisherman Credit Societies, Weavers Credit Societies, Artisans and Shopkeepers Credit Societies. The urban societies and banks formed for particular towns are intended to meet the

requirements of small shopkeepers, traders, artisans and craftsmen who are allowed cash loans, credit or overdrafts. There are some urban banks which do all normal banking business. Under head Non-Agricultural non-graded societies may be listed consumers stores, textile societies, housing societies, educational societies, womens' societies, thrift societies, salary arrears societies, weavers' yarn sale societies, shoemakers' and tanners' societies, cottage industries societies, bee-keeping societies, building societies, *biri*-making societies, tailoring cooperative societies, and multi-purpose societies, etc., etc. Thus members of various groups come together and gain strength through cooperation and through strength achieve their objects. It may be difficult for a single individual to get loans on easy terms ; but this may be easier for a society of which he is a member. As hundred persons in an association are stronger than one, hundred societies will be stronger than one society if they are joined in a bigger union and so on. Similarly on the non-graded side the principle of cooperation has been applied to a number of enterprises in which economic objects are achieved more easily when individuals have formed themselves into groups. They can sell their produce better and buy their requirements on favourable terms. Societies may be formed for any purpose and may assume any shape or form. These depend on local circumstances.

Many people hold that several societies for different purposes co-existing in the same locality are inconvenient. They multiply employees, registers and accounts. General purpose societies, therefore, are becoming popular ; they advance loans accept deposits, buy and sell produce and requirements of the members and may embark on any welfare activity. Such a society is considered to be the hope of the future. All economic activities in the villages are intended to be organized through these multipurpose societies. They will promote agricultural development, improvement of livestock, organization of cottage industries, marketing of surplus produce and supply of consumers' goods, etc. The seed stores will be in their charge. In these stores may be stocked improved agricultural implements and also controlled commodities for distribution. Manures may also be distributed from these stores. The



village societies will run these stores themselves through their office bearers either paid or honorary employees. Problems which cannot be handled at the village level will be undertaken by unions. The village will thus be able to maximize self-help in the interest of its welfare. It will be a self-reliant active unit applying the principle of cooperation for promotion of its welfare in all the spheres of its life. Action in this regard has already been taken in various States. Field activities of the departments of Animal Husbandry, Agriculture, Cottage Industries, Education, Co-operative Societies and Rural Development are being amalgamated under a District Cooperative Officer who works in close relationship with the District Development Association which has both official and non-official members. In order better to tackle this programme and also to demonstrate to public its effectiveness, work on this plan has been concentrated in some development blocks under development unions.

And yet at the moment it is still the credit society that dominates the field. In 1949-50 the credit societies constituted nearly 73 per cent of the total number of primary societies and 81 per cent of the agricultural societies. In the States of Bombay and Madras the cooperative movement has developed on very sound lines and the primary agricultural societies provide finance at moderate rates of interest to their members. But in most other States lending rates of these societies are as high as 12.5 per cent and in some cases even 15 per cent.

The cooperative movement by virtue of the very principles on which it is based is entirely voluntarily democratic and non-official. It will be a negation of very principle of cooperation if the cooperative societies were converted into mere agencies of Government. Cooperative societies and unions run their own business, manage their own affairs and have their own servants. Such a principle has other virtues in fields other than economic. It trains up the people in the ideas of joint effort for common good. It teaches the value of discussion, argument and toleration of differing opinions ; people are induced to think realistically in terms of concrete objectives and given circumstances. People learn to express their views and to abide by general decisions. This education is of great value for people in a democratic country.

Nevertheless, Government has certain functions to perform in relation to the cooperative movement. These functions are performed through the Registrars of Cooperative Societies. The functions of the Department are : (a) Statutory, (b) Supervisory, and (c) Advisory.

The principal statutory function of the Registrar is auditing of cooperative societies. Other statutory functions are to register societies or to refuse registration, to liquidate societies, to settle various disputes and to ensure in general that the societies conform to the provisions of Cooperative Societies Acts and Rules made thereunder. For supervisory and advisory functions the Registrar is assisted by a large number of District Cooperative Officers, Inspectors, Supervisors and Sub-Inspectors (classification may differ in various States). The Registrar through his staff provides guidance and other help to the cooperative movement. He prepares model bye-laws, forms of registers, arranges for the education of the members of the societies and supervisors and inspectors in the principle of cooperation, lends the services of the Departmental Officers to the societies and in general tries to ensure that the cooperative movement is kept on right lines. Various types of institutions are maintained in the State for the training of officials and non-officials connected with the cooperative movement. He assists the societies by all means in his powers to carry out their cooperative work in a satisfactory and efficient manner and also explores new kinds of activity and above all helps them to learn independence, self-respect and capacity to manage their own affairs. Societies are also helped with subsidies, materials, building sites and technical staff.

In Madras the Registrar of Cooperative Societies is assisted by a number of Joint Registrars and Deputy Registrars. Some of these are in charge of overall activities of the Department in Regions and others are in charge of special functions. There is a Deputy Registrar for each district with an Additional Deputy Registrar in some districts. His field staff comprises Cooperative Sub-Registrars, Senior Inspectors and Junior Inspectors. To the Deputy Registrars in charge of districts have been delegated many statutory powers of the Registrar and he performs these duties within his charge. Cooperative

Sub-Registrars supervise cooperative societies, provide them guidance and assistance and are in charge of some special functions. Senior Inspectors and Junior Inspectors audit cooperative societies' accounts and supervise them (work having been divided between the two grades of Inspectors).

In Bombay the Registrar of Cooperative Societies is also the Director of Agricultural Marketing and Rural Finance, and also Registrar General of Money Lenders. He has some headquarters staff to help him, *e.g.*, Deputy Registrar of Cooperative Societies, Joint Registrar for Industrial Cooperatives and Village Industries. On the audit side there is the Chief Auditor and Financial Adviser. Below him are Divisional Auditors, Auditors and Sub-Auditors. Deputy Registrars are in charge of Divisions and for every district there is an Assistant Registrar, who is assisted by District Cooperative Officer, Assistant District Cooperative Officer and Supervisors. There are Land Valuation Officers and Sub-Auditors. To the Assistant Registrar have been delegated many statutory powers of the Registrar of Cooperative Societies. On the supervisory and advisory side he is generally responsible for supervision, guidance and control of various cooperative societies in his charge. He inspects all societies in his charge and stimulates their activities on cooperative lines. He reviews audit memos. The District Cooperative Officer assists the Assistant Registrar in the discharge of his duties. He is responsible for organization of societies, development of the cooperative movement, supervision over the cooperative societies in rural and semi-rural areas and arrangement for crop finance and its recoveries. He carries out inspections and various other duties allotted to him by the Assistant Registrar. The main responsibility of the Supervisors is confined to detailed supervision over the working of all societies. They assist the societies in the preparation of their normal credit statements and assets registers. They also assist in Grow More Food Campaign, etc. There are also honorary organizers.

The audit work is divided among Special Auditors, Auditors and Sub-Auditors. In Bombay industrial cooperatives are in a developed stage. The marketing branch has its own staff; in the district there are Marketing Inspectors.

Under the money lending branch, the Registrar of the Cooperative Societies is the Registrar General of Money Lenders. In districts there are Registrars of Money Lenders ; in most districts the Collectors have been appointed Registrars and *Mamlatdars* and *Mahalkaries* as Assistant Registrars.

The organization in other States follows the same general pattern. In M.P. the Cooperative Department and the Rural Development Department are combined. The Registrar of Cooperative Societies is also Registrar of Joint Stock Companies, Registrar of Firms and Director of Rural Development. He is assisted by Deputy Registrars. There is an Assistant Registrar for each Circle which comprises two to three districts. Under the Assistant Registrar of the Circle there are Circle Auditors (one for one Janapada area), Sub-Auditors, Society Auditors and Managers of Societies. There are other Assistant Registrars in charge of various functions, e.g., one for cooperative education, another for backward areas welfare scheme. In U.P. the Registrar of Cooperative Societies is also the Rural Development Officer. He is assisted by Additional and Joint Registrars. There is a separate Education Officer. There are Deputy Registrars for Circles and Assistant Registrars for districts. They are assisted by Inspectors, Supervisors and *Kamdars*. In the Punjab, there are Deputy Registrars for regions and Assistant Registrars for districts, who are assisted by Inspectors and Sub-Inspectors. In Bihar there are Assistant Registrars for districts ; they are assisted by Inspectors. There are Assistant Registrars for some functions, e.g., Assistant Registrar, Weavers Cooperative Societies. In Bengal, there are Assistant Registrars for districts who are assisted by Inspectors and Auditors. There is a special Assistant Registrar, Industries. In Assam, the Department is combined with Industries Department. The Registrar of Cooperative Societies is also the Registrar of Village Authorities and Director of Industries. He is also Director of Cottage Industries, Sericulture, Weaving and Rural Development Department. This official, who is head of so many Departments is also Secretary to Government. There are Assistant Registrars in charge of Regions assisted by a large number of Inspectors of Cooperative Societies and Auditors. In Orissa, there is an Assistant Registrar for each district called Circle. There are Inspectors.

for sub-divisions and Supervisors of Cooperative Societies in tehsils. There is an Assistant Registrar of Gram Panchayats. There are, of course, everywhere large number of Auditors : the Chief Auditor, Special Auditors, District Auditors and Sub-Auditors, etc. (designations differing from State to State). There are training institutes everywhere and one senior officer is in direct charge of cooperative education. The Marketing Officer looks after the marketing side of the cooperative movement.

The assistance of the Revenue Department's staff is utilized principally in making recovery of the dues of cooperative societies and the officials of the Cooperative Department keep in close touch with District Collector regarding the needs of their Department. In some States loans under the Land Improvement Loans Act are made through the agency of cooperative societies ; in any case preference in the grant of these loans is given to these societies. The administration of various Agricultural Debt Relief Acts and Money Lenders Acts bring revenue officers and officers of the Cooperative Department nearer to one another. Both Departments are concerned with the promotion of cottage industries and the Revenue Department is expected to give all assistance in the formation of such societies. Frequently these societies need land sites. In the realm of rural development also the revenue officials and cooperative officials are brought together. The central fact is that the District Collector is interested in all welfare activities specially in the rural areas ; and as the Cooperative Department exists to promote such welfare through the principle of cooperation and self-help, the District Collector is obviously very much interested in the Department and is expected to give it all assistance. The following extract from the Report of the Royal Commission on Agriculture will be relevant here :

"It is now accepted that cooperative principles can be used in overcoming most of the obstacles to progress in rural communities.... As Government are directly interested in whatever contributes to the economic welfare of the rural population, their officers of all Departments, at all times, render such assistance to the promotion of the movement as the nature of their particular duties permits. It is not only the District

Officer who is concerned ; sympathy and encouragement from him are everywhere acknowledged and gratefully valued. It is the duty of all Government officers to assist all the activities of Government and where these activities are designed to improve the economic conditions of the mass of people, that duty assumes special importance.... It is not suggested that there should be any active interference in the affairs of societies. This would probably in most cases do more harm than good, but Government should let it be known that an unsympathetic attitude to the movement will be regarded with disfavour."

## ***Animal Husbandry and Veterinary Services***

This Department looks after the health of the cattle and improvement of the breeding. The first function is discharged by Veterinary Hospitals and Dispensaries which are located both in urban and rural centres. Veterinary dispensaries are usually found at every Tehsil headquarters and in many States provision in this regard is more liberal and one Tehsil or Taluk may have several veterinary dispensaries. A Veterinary Assistant Surgeon treats diseases of the cattle at the dispensary or the hospital and also tours in his Circle for preventing and treating diseases. He tries to prevent animal wastage by controlling contagious diseases and treating ordinary ailments of animals. Some of the diseases of the cattle are : Rinderpest, haemorrhagic septicaemia, anthrax, blackquarter, foot-and-mouth disease, surra, nasal granuloma, bovine lymphangitis and tick fever, etc. Then there are diseases of poultry like ranikhet disease, fowl cholera, fowl paralysis, spirochaetosis (tick fever of poultry), fowl-pox and coccidiosis, etc.

While regular work of treatment goes on in dispensaries and hospitals, camp dispensaries are also opened whenever diseases break out ; Veterinary Surgeons also inspect cattle pounds and establish camp at cattle fairs. Veterinary Assistant Surgeons are to tour villages in their Circles regularly.



They examine and initial the Cattle Mortality Register which is maintained by village officials. All cases of animal diseases are to be reported to them by the revenue staff and if on tour they find that this has not been done, they make a special report to the Tahsildar. They interview the village officials and cultivators and obtain cases for treatment and castration, etc. They also inspect the village herds and point out cases which require treatment. They carry medicines, etc., with them and inoculate animals against disease. When diseases break out in a violent form this work, of course, is intensified. Suppressive measures are taken such as isolation of all sick and suspected animals ; healthy cattle are daily inspected in order to detect suspicious cases ; sheds and fittings are disinfected ; all droppings and litter of sick animals are removed and burnt and all carcasses of animals dying of infectious or contagious diseases are properly buried or burnt. All this work, of course, is done with the help of the revenue staff, and the District Magistrate and other Magistrate provide administrative help as well as necessary legal help by promulgating various orders under various Acts concerned.

Every State maintains various research institutes where research is carried out in animals' diseases and various medicines are prepared.

The other function of the Department is to improve the breed of cattle. This is a tremendous task and one of supreme importance to India.

According to the 1945 livestock census the cattle population of the Indian Union was 136039 thousand cattle and 40607 thousand buffaloes. This was nearly one-quarter of the world's total cattle population. The density of the population works out to 204 cattle per hundred acres of cultivated land and 53 cattle per square mile, 65 cattle per hundred acres of human habitation. According to the 1951 livestock census there were 150 million cattle and 43 million buffaloes in the country ; their annual contribution to the gross national income has been made estimated at about Rs. 1000 crores (this excludes the value of the animal power for draught purposes in agriculture and transport). There are roughly 25 types of breeds besides a large number of non-descripts. These again fall into three broad divisions :

multi-breeds and dual purpose breeds. In the multi-type the male animal is a medium type work bullock and the female is a good milker; in the draught type the male animal is a good work bullock and the female is a low milker; in the dual type the male animal is a good work bullock and the female a good milker. *Amrit Mahal, Hallikar, Kangyam, Khillari, Hissar, and Malvi* are some of the noted draught breeds. *Red Sindhi, Sahiwal* and *Giri* are noted milch breeds. Under dual type may be mentioned *Harriana, Tharparkar, Nagore, Kankrej* and *Ongole*. It has been found that it is not the intrinsic quality that is lacking in Indian cattle but there is paucity of fodder, adverse weather conditions, ignorance on the part of the small cultivator who owns the cattle and lack of systematic breeding. Indian cattle possess undoubted potentialities for development and they respond readily to proper methods of breeding and development. Indian cattle have long been in great demand in overseas countries for their endurance, ability to utilize forage and resistance to cattle diseases; but at present they are in a poor condition and no improvement can be brought about in Indian rural economy without satisfactorily solving the cattle problem. The policy of the various State Governments is to improve the quality of the animals through various livestock improvement schemes and by educating the people how to take better care of their cattle. Some of the lines of this development are :

1. Pure milch breeds to be developed by selective breeding.
2. Draught breeds and dual purpose breeds to be developed by selective breeding so as to increase their milking capacity without affecting their (draught) capacity.
3. Non-descript to be graded up by bulls of suitably well-defined breeds with the purpose of evolving dual purpose type.

Cattle breeding and development is the responsibility of the States and the work is, as a rule, entrusted to the Animal Husbandry and Veterinary Services Department. The Department has Government farms where herds of well-defined breeds are maintained and from where bulls are distributed

to the breeders in the villages. In these farms methods of scientific breeding, feeding, disease control and management are demonstrated. Demonstrations are also carried on regarding the preservation of fodder as hay and various other matters connected with feeding. Apart from this, propaganda regarding these matters is conducted at cattle shows and fairs where prizes are also distributed to breeders who exhibit high class stock. To reach the benefits of these activities right to the village a scheme called Key Village Scheme has been sponsored in several States. A Key Village System may have roughly ten villages where services for cattle improvement are pooled and are available. The Centre may be in the charge of an official known as the Stockmen who is a Multipurpose Officer. Improved bulls are available for service and local bulls are not allowed to cover cows. Thus breeding is strictly controlled ; animals and their progeny are identified and accurate records of breeding are kept. These records help in improving and modifying the scheme. In the context of local conditions improvements are brought about in feeding ; veterinary aspect of prevention and control of diseases is attended to and a time may come when these villages may become something like Government cattle breeding farm itself. Here the superior breeds may be multiplied and distributed to other areas. The scheme is showing promise. The scheme is based on the principle that in a matter like improvement of breeds it is better to concentrate action in a limited area rather than to throw one bull here and another bull there which makes little difference as far as improvement is concerned.

The Department of Animal Husbandry and Veterinary Services in various States is organized as follows :

There is usually a Director of Animal Husbandry and Veterinary Services whose designation shows slight variations from State to State. In Bombay he is known as the Director of Animal Husbandry and Veterinary Science ; in M.P. Director of Veterinary Services (with a Deputy Director for Animal Husbandry wing) ; in U.P. he is known as Director of Animal Husbandry ; in the Punjab and Bihar as Director of Veterinary Services (in Bihar the Department of Animal Husbandry is separate under its own Director) ; in Orissa as Director of Animal Husbandry and Veterinary Services ; in Assam as

Director of Veterinary Department ; and in as Madras Director of Animal Husbandry. In Bengal the Department is combined with Agriculture under one Directorate called Directorate of Agriculture, Animal Husbandry and Fisheries (the Department of Fisheries is usually combined with the Department of Animal Husbandry and Veterinary Services but somewhere it is separate as in Bombay and in Madras where there are separate Directors of Fisheries with Deputy Directors, Assistant Directors and Superintendents for various regions and Research Officers in charge of various improvement schemes).

The Directors are assisted by Deputy Directors who are usually put in charge of ranges ; others may be in charge of certain wings of the Department on a functional basis and yet there may be a headquarters Deputy Director for general assistance of the Director. In Bombay there are Divisional Veterinary Officers for groups of districts and at Taluk there is an Assistant Veterinary Surgeon who is in charge of the dispensary. On the side of improving the breed there is an Agricultural Officer in charge of cattle breeding at each district. In M.P. Deputy Directors of Veterinary Services are in charge of Divisions ; there is a Deputy Director of Animal Husbandry and there is a Deputy Director of Veterinary Services in charge of Stock Supervisors and Stockmen. Under the Deputy Directors there are District Livestock Officers, usually one for two districts, and there are Veterinary Assistant Surgeons each in charge of a tehsil dispensary who also tours. Then comes the Stock Supervisor who is in charge of an area comprising roughly a small number of villages ; there may be Stockman-cum-Health Assistant who may also be in charge of a similar area. Outlying dispensaries are in charge of Veterinary Compounds. These officials reach down directly to the villages where they are charged with the work of cattle breeding and improvement and looking after their health. There are Assistant Fisheries Development officers located at suitable places. In U.P. there is one Deputy Director headquarters and other Deputy Directors distributed in the ranges. There are District Livestock Officers and their subordinates as usual. There is a Fisheries Officer and Fish Marketing Officer at some centres. In the Punjab there is a Deputy Director to assist the Director and there are Superintendents of Veterinary Department who

work with the local District Boards. There are Veterinary Assistant Surgeons in charge of dispensaries of which one is usually at the tehsil headquarters but there may be more in a tehsil. In Bihar the ranges are in charge of a Deputy Director or an Assistant Director ; and at each district there is usually an Inspector of Veterinary Services. There is a separate Director of Animal Husbandry who has under him District Livestock Officers. In Bengal there is an Assistant Director of Veterinary Services. There are Superintendents of Veterinary Services who are in charge of ranges. In districts there are Livestock Officers and Poultry Officers assisted by Assistant Livestock Officers who function under the Superintendent of Agriculture. At Sub-Divisional headquarters there are Assistant Veterinary Surgeons doing the usual duty. The Fisheries wing of the Department is in charge of an Assistant Director who is assisted by Superintendents of Fisheries who are in charge of ranges. In Orissa there is one Deputy Director. For districts there are Districts Animal Husbandry and Veterinary Officers and at Taluk level there is a Veterinary Inspector-cum-Stockman. Veterinary dispensaries are at every sub-divisional headquarters and even at Taluk headquarters and an Assistant Veterinary Surgeon performs the usual duty of treating the cattle at the dispensary and tours his area with a van and medicines to prevent and control cattle diseases. A studbull is also taken round for service. In Assam there are Veterinary Inspectors for Circles with usual subordinates and Veterinary Dispensaries. In Madras there is the Deputy Director (Livestock), a Deputy Director (Veterinary Services) and a third Deputy Director (Key Village Schemes). At each district there is a District Veterinary Officer whose subordinates are Veterinary Assistant Surgeons at Taluk Dispensaries. For the improvement of breeding, each Veterinary Hospital maintains a breeding bull to serve the local needs. Artificial Insemination Centres have also been established. There is a system of Camp Dispensaries also. The Veterinary Assistant Surgeons tour through areas for prevention and control of cattle diseases.

In every State there are colleges for training officers of the Department ; there are various research institutes for research and in cattle diseases preparation of medicines. A large number

of farms are maintained and there may be such schemes as Sheep and Goat Development Scheme, Poultry Development Scheme, etc., etc.

District Collector's Relations with the Department : This Department deals with a very vital aspect of rural and agricultural life and, therefore, comes in relationship with the District Collector. The Revenue Officers assist the Veterinary Department in reporting the occurrence of epidemics and in using their influence in inducing the owners of livestock to follow the instructions of the Department. In case of outbreak of diseases the Collector as District Magistrate has to provide legal basis for the action which the Department of Veterinary Services has to take. Further the Department has not so much staff as to carry out all work connected with the control of violent outbreak of cattle diseases and has to rely on the revenue staff. Apart from this, Local District Boards finance to some extent the work of this Department and its officials have to work in cooperation with these Boards. The District Collector in his capacity as the Supervisor of the Local Boards, therefore, controls the activities of this Department. The District Collectors, Sub-Divisional Officers and Tahsildars may inspect dispensaries and other work done by the Department.

## ***Public Works Department***

This is a very big Department and is usually broken into four branches, in some States some branches constituting separate Departments :

1. Irrigation Branch,
2. Buildings and Roads Branch,
3. Electricity Branch,
4. Public Health Engineering Branch (this has been described under Public Health).

The importance of the work of this Department cannot be overemphasized in a modern State, for a modern State is very much of an Engineer's State.

### ***Roads***

Roads are the very arteries of the life of society ; they constitute a service for all forms of development, whether of agriculture, trade and industry, health and educational services and general rural development services ; they also lead to social reform and better consciousness on the part of the people by bringing them in touch with different people, different ideas and different forms of societies ; they make life convenient ; produce can be sold better and requirements can be bought easily ; in brief the newspaper, the doctor, the teacher, the social reformer and the politician can all reach villages and villagers reach them. All this leads to a general development on the part of the rural



population. India has been compared to a big palace with plenty of rooms but all useless because there are no passages connecting them with each other. Again comparison has been made to a huge body lying prostrate unable to move or collect itself into action because arteries and veins are missing. It is easy to see that it is by contact and movement that people are galvanized into activity and that their ideas improve and information widens. Roads impart mobility to the community and provide enabling basis for all development. Roads are, therefore, only technically non-productive ; in the best and general sense of that word they are highly productive. The importance of roads and means of communication in the life of a society, therefore, cannot be overemphasized. They not only bring about material benefits but contribute to the diffusion of knowledge and spread of information. India, therefore, needs construction of more roads and, what is perhaps more important, the proper maintenance of the existing roads. Roads have been classified into four categories :

1. National Highways,
2. State Highways,
3. Major and Minor District Roads, and
4. Village Roads.

On March 31st, 1948, there were 248900 miles of extra municipal roads in India, out of which about 90000 miles were surfaced and the rest unsurfaced. The length of the National Highways was about 13400 miles. Out of 178783 miles of extra municipal roads in India (the other mileage was in the former Indian States), 53296 miles were maintained by the Public Works Department and 125487 miles by local bodies.

### **Irrigation**

In India there is nothing of such permanent value as a canal ; it literally sustains life by increasing production of food and other crops. There are, of course, various means of irrigation and the remarks apply to all means. The principal means of the artificial application of water to crops are : canals, tanks, tubewells, masonry wells and other wells. With the provision of irrigation facilities the yield per acre can be increased considerably. The Planning Commission has estimated that in some areas this may be of the order of 50 per cent

but in areas of low and uncertain rainfall this increase may be two to three times the yield from unirrigated lands ; also large areas of land now barren and lying waste can be cultivated and put to productive use if irrigation facilities are provided. The advantages are of three kinds :

1. There is increase in the general wealth and prosperity of the community which results from the increase in the production of cultivation due to irrigation even in years of normal or more than normal rainfall.
2. The effect of irrigation and of large water storage works is to increase the humidity of the air and to raise the level of the underground water supply.
3. The prevention or mitigation of the horrors and the cost of famine.

The precise effect of irrigation varies according to crops and parts of the country concerned. In some places like Rajasthan nothing will grow without irrigation and there irrigation is absolutely necessary. In other areas irrigation comes in useful during a drought ; at other places it is necessary for some of the more valuable crops or only in the period just before the rains set in ; in places like Punjab, Western U.P. and parts of the Deccan irrigation is necessary in addition to the usual rainfall. Also irrigation enables two crops to be raised in places where only one crop would otherwise be raised. The very pattern of agriculture may change, if irrigation facilities are available ; the cultivator has not to restrict himself to particular crops which can be matured during a few favourable months in a year, but he can look ahead and plan a scheme of cropping which may give him yields throughout the year. Thus water, which is made available, performs various type of services according to areas and crops and a part from being productive has also the protective value in case of famine.

The importance of irrigation to the agricultural economy of this country has always been understood and irrigation has been practised in India since times immemorial. Several famines have been mentioned in Sanskrit literature and the value of irrigation has been emphasized. River has been mentioned as a cow and canal as a calf. "Are there dams full of water and big enough and distributed in different parts of the kingdom

and does the agriculture not depend on rains ?" was a usual question put to kings in ancient times. Manu says that a king who wishes to conquer his enemy should first destroy the dams in his territory (VII-196) ; Kautallya says that when war is on, the tracts of the land of the enemy should be flooded with water by breaking the lakes, dams and embankments (XII-4). Jatikas also mention the existence of dams. Reference to Sudarshan lake in the Girnar Rock Inscription is very well known. The Indian Irrigation Commission says : "In the early records of the peoples of India, dating back to many centuries before the commencement of our era, there are frequent references to the practice of irrigation. Wells have been in use from time immemorial ; most of the almost innumerable tanks of Southern India have been in existence for many generations—two in the Chingleput district of Madras, which still irrigate annually two to four thousand acres, are referred to in inscriptions which are said to be of the 8th and 9th centuries of our era ; the practice of drawing off the flood waters of the Indus and its tributaries by means of small inundation canals has been followed from a very early date ; and in the submontane districts of Northern India are still to be found the remains of ancient irrigating channels which have been buried for centuries in the undergrowth of the forests".

The Grand Anicut across the Coleroon river in Madras probably dates from second century A.D. and was still in operation in 1830. Reference may also be made to the canal which Feroz Shah Tughlak constructed in the 14th century, and which took water from the western bank of the Jamuna to a distance of about 150 miles to irrigate his favourite hunting grounds at Hissar.

It was, however, during the British period that extensive State-managed works were constructed and irrigation facilities extended to vast areas. The irrigated area in undivided India was 72 million acres out of a total cultivated area of 298 million acres or 24 per cent. After partition the proportion of irrigated to cultivated area in the Indian Union has fallen to 19 per cent, 48 million acres of irrigated area out of a total cultivated area of 251 million acres. There is a great scope for further work. The quantity of water that flows annually through the Indian rivers is nearly 1356 million acre-feet.

Of this volume of water, only 76 million acre-feet, that is 5.6 per cent, is at present put to use for the purpose of irrigation and power generation, and the remaining, that is 94.4 per cent runs to waste, frequently causing untold damage before it joins the sea. Water supplies for irrigation are obtained from three sources :

1. Directly from the normal flow in rivers, *i.e.*, by diversion canals. Possibilities here have almost been exhausted.
2. From storage of flood waters flowing in rivers or directly of rain water from small catchments. For this purpose dams are built at suitable sites.
3. From the waters available underground, *i.e.*, by wells or tubewells.

The extent to which supplies are available or possible from the three sources varies in different parts of India, and irrigation plans are shaped accordingly.

The Irrigation Commission defines and classifies irrigation works as follows :

“The surplus rainfall becomes available for use in artificial irrigation when it accumulates or flows, either upon the surface or in the sub-soil, at a level sufficiently high to admit of its being diverted or raised on to the land. But in all cases before this can be done certain works of construction are necessary. These are called works of irrigation, or, briefly, ‘irrigation works’. Thus the term irrigation works includes works of many varieties and magnitudes, ranging from the rude contrivances which enable the cultivator by swinging a basket to raise water from a pond, to the huge embankment of earth or masonry holding behind it a lake of many square miles ; or from the small temporary well, a mere hole in the ground lined with brush-wood, to the great canal which, carrying for some hundreds of miles a volume of water equal to that of a large-sized river, delivers it into a network of smaller channels for the irrigation of over a million of acres. The irrigation works of India may be divided into three main classes : canals, tanks and wells. Under ‘canals’ are classed all works of any considerable size for diverting the waters of streams or rivers, and carrying them on to the land ; under ‘tanks’, all works for the storage of water, and all natural

depressions of which the water is used for irrigation ; and under 'wells', works for giving access to the sub-terranean supply, or to the waters of rivers which, running deep below the general level of the ground, have to be lifted vertically before they can be made to flow on to the fields. Canals are of the 'perennial' or 'inundation' type according as they are designed to draw their supplies from the river at all seasons of the year, or only when it is in flood. In the former case it is almost always necessary to make a weir, temporary or permanent, across the river so as to divert the water into the canal, and this is often one of the most expensive parts of the canal works. Inundation canals have no such weirs. Once cleared of silt they go on taking in water from the river until, at the close of the flood season, its surface falls below a certain level, and the canals then remain dry until the next flood season."

Irrigation works may be State-owned or private. All works which have been constructed or which are maintained by the State are classed as State works. These are big canals and big tanks and tubewells, etc. Irrigation works which are constructed and maintained by private individuals or groups of individuals are private works. Another classification of irrigation works is productive works, and protective works. Works the direct net revenue from which can pay the interest charges on the capital investment are regarded as productive ; those works which do not satisfy this condition but afford protection against famine, etc., are called protective. And yet another classification is into major works and minor works. These minor works are usually in the charge of the Revenue Department which looks to their maintenance and repairs, contribution being made by beneficiaries in some cases. Occasional assistance from the Public Works Department is taken in carrying out special repairs or improvements of these works. The Irrigation Commission has noticed the great preponderance of minor works over major works. It is interesting to note that even now the area irrigated by minor works such as wells and tanks is in excess of that irrigated by major works, such as canals. Though minor works have relatively a short life, give 'limited protection' and their cost of maintenance is high, they have the advantage that the initial outlay involved

is small, they can be executed quickly and local resources can be easily mobilized for their execution, they yield quick results, and they generally require no special assistance or very high type of equipment. There is, therefore, great insistence on minor works. They are, however, no substitutes for major works which give great protection in years of scarcity, and which are generally multi-purpose in nature, that is, apart from irrigation they confer such benefits as hydro-electric power, flood control, navigation, etc. They alone can utilize the surplus waters of the rivers.

Throughout India the basis of charges for water supplied by State works for irrigation is the area irrigated ; but different systems of charging are in operation in different parts of the country. Generally speaking, in Northern India and on newer irrigation works in Bombay, a water rate, varying with the kind of crop grown, is charged, per acre watered, apart from the land revenue assessment. This is known as the occupiers rate. It is paid for the water supplied and forms part of occupier's expenses on cultivation. In Madras and on older works in Bombay, irrigation charge is consolidated in the land revenue assessment ; that is to say, the water element is included in the assessment. At the time of the settlement the Settlement Officer in Madras and Bombay would take into consideration all the circumstances of every survey field including irrigation facilities and he would fix his assessment accordingly. These are called wet lands and it follows that if Government cannot for some reason provide irrigation, a remission becomes due which is allowed by revenue officials. The distinction of wet and dry lands in Madras and Bombay is very important. If an occupier in addition wants to irrigate a second crop in the year and water is available he would pay an additional rate ; similarly he would pay separate water rates for irrigating dry land. He is liable to fines if he irrigates crops or lands to which he is not entitled. There are a large body of rules on this complicated subject framed by the Board of Revenue in Madras. There is in some places what may be called 'Area in Agreement' system. In areas where irrigation supplies are not required in years or periods of favourable rainfall and where the demand is only when rains fail or are delayed, an annual charge

is levied for every acre of area which is irrigable from a project whether water is actually taken for irrigation or not. This is called irrigation cess. The reason for this system is that otherwise Government could not maintain irrigation works in such uncertain conditions. Apart from water rate and irrigation cesses, betterment levy may also be levied. This represents the Government's share in the increase in the value of land that results from the provision of irrigation facilities. This is, however, levied only once when irrigation facilities are provided for the first time and the value of the land increases appreciably on this account. This may be recovered in a lump sum or by instalments. An increment in the land revenue may also be ordered; this is based on the increased benefit derived annually by the landlord on account of the provision of irrigation supplies. The meter system of charging has not been successful in India.

### **Electricity**

The use of electricity in India is at present very limited. The Planning Commission have estimated that average per capita consumption for electricity is only 14 KWH per year, as compared with 1100 KWH in the United Kingdom, 2207 KWH in the United States of America and 3905 KWH in Canada. In some States the average is below one unit per year. Electricity is perhaps the greatest and quickest solution of many problems of India because once cheap electricity is provided not only would villages be literally taken out from darkness into light but power would also be provided for running cottage industries which would place cottage industries on a firm footing in an industrial age. Electricity, therefore, would not only lead to material prosperity but would also contribute to recreational and social activity and will brighten up life generally. It would enable villagers to utilize gainfully many hours which are spent in darkness these days.

### **Organization**

The organization of the Public Works Department is fairly uniform in the States of India. There are usually three Chief Engineers, one for buildings and roads, the second for irrigation and the third for the electricity branch. Below them are



in every branch Superintending Engineers for areas called Circles ; Executive Engineers for Divisions and Assistant Engineers for Sub-Divisions (these areas don't necessarily conform to revenue areas). Below them are Supervisors, Overseers, Sub-Overseers, Surveyors, Tracers, and Computors and *Amins*, etc. The Chief Engineer is the head of Department and head of the branch. He is responsible for execution of Government policies, for the efficient working of his Department, for enforcement of all Rules and for discipline among the staff. All correspondence of the Department passes through him and he is also professional adviser to Government on public works. He receives all orders of Government and passes them to departmental officials and sees that they are executed. He is specially charged with the proper maintenance of the accounts of the Department. He sends a large number of reports to Government periodically on the working of his Department. The administrative unit of the Department is the Circle which is in charge of a Superintending Engineer who is responsible to the Chief Engineer for the administration and control of public works within his Circle. He inspects divisional and sub-divisional offices and sees that all departmental officials perform their duties and that rules are observed. He has also certain disciplinary powers over the lower staff. He inspects the state of various works in his Circle periodically and satisfies himself that the system of management prevailing is efficient and economical and that reports are submitted in time. The supervision over and the assessment of revenue of irrigation works within his Circle also rests with him. The Executive Unit of the Department is the Division in charge of an Executive Engineer who is responsible for the execution and management of all works within his Division. He inspects all important buildings and works ; immediately a work under construction is finished or abandoned, he closes its account and prepares its completion report. He administers the grant for public works in his Division and watches the progress of expenditure to ensure against excess ; he is responsible for the correctness of records, stores and cash ; and he is responsible for the detailed assessment of the revenue from irrigation works within his Division and maintains necessary records and accounts for this.

purpose. He inspects the Sub-Divisional offices and has some disciplinary powers over the lower staff. In a nutshell he is responsible for all construction and maintenance work in his Division. The Division is divided into Sub-Divisions in charge of S.D.Os who may be Assistant Executive Engineers or Assistant Engineers or Sub-Engineers. The S.D.O. is responsible for the management and execution of works within his Sub-Division.

There are small variations from State to State ; but some of these are interesting. In Bombay, M.P., Orissa and Assam, buildings and roads branch and irrigation branch are combined having a single Chief Engineer at the top and the two functions being combined at lower levels of Superintending Engineers, Executive Engineers and Assistant Engineers; that is to say, Circles, Divisions and Sub-Divisions are common for roads, buildings and irrigation. Of course, where there is a big irrigation work, there may be a separate Executive Engineer or Sub-Divisional Officer, and the same may be the case with regard to buildings and roads. But there is no hard and fast distinction in the two branches. The same position holds in Bihar even though the two branches have separate Chief Engineers (recently in Bombay also a separate Chief Engineer for Irrigation has been appointed but at lower levels functions are combined). The functions of the two branches are combined in Circles, Divisions and Sub-Divisions. The same is the position in Madras where there are two Chief Engineers, one for general and buildings and other for irrigation ; but in Circles, Divisions and Sub-Divisions, functions of the two branches are combined. In Madras, however, the general and buildings branch does not include roads and there is a separate Department called Highways Department. This has been recently created and there is a Chief Engineer, Highways ; there are Superintending Engineers, Highways ; Divisional Engineers, Highways ; and Assistant Engineers, Highways. These officers look after the District Boards' roads also as the District Boards in Madras now have no Engineers of their own. The District Boards make a contribution towards the pay of these Engineers on a prorata basis. These Engineers within their jurisdiction, therefore, look after Government roads and bridges as well as Local

Bodies' roads and buildings of T.B. hospitals, dispensaries and other buildings of the Local Bodies. In Bengal the Department of Irrigation and Waterways has its own Chief Engineer, Superintending Engineers, Executive Engineers and Assistant Engineers supported by the usual subordinate officials ; the Department of Works and Buildings has a separate set of these officials. In the Punjab buildings and roads branch has its own Chief Engineer with other usual officials and the irrigation branch has its own set of officials from Chief Engineer downwards. In U.P. the position is the same. In these last three States, *i.e.*, Bengal, Punjab and U.P. the functions of the two branches, that is to say, buildings and roads and irrigation are never combined at any level. In Bengal most of the irrigation is from natural sources and these are mostly maintained by beneficiaries. There are no tubewells and no tanks. In Bengal and Assam the most important work of Irrigation Department is drainage work and the maintenance of embankments to protect fields from being inundated by rivers.

In every State the electricity branch or electricity department is separate with its own set of officials. In Bombay the departmental head is known as Electrical Engineer to Government and has Executive Engineers and Assistant or Deputy Engineers for electrical divisions and electrical sub-divisions respectively (as distinguished from an Assistant Engineer, a Deputy Engineer, is a promoted official). In M.P., Bihar, Orissa, U.P., Punjab and Madras the Electricity Department has its Chief Engineer, Superintending Engineers, Divisional Engineers and Assistant Engineers for the State, Circles or Systems, Electrical Divisions and Electrical Sub-Divisions respectively. These officers are supported by the usual staff, experts, specialists and technicians. This Department is concerned with generation, transmission, supply and rates of electricity. The Department has been charged with rapid development of electric supply in its State and is concerned with planning, designing, constructing, operating and maintaining various electrical schemes. The functions are executive, technical, commercial and civil. In various States, the Electric Grid System is being developed by this Department. In Bengal and Assam there is no such separate well-staffed electricity

branch or electricity department because there are not many electrical works and those that exist are usually municipal or private concerns and are very small in number.

There is a separate Electrical Inspector in every State who performs statutory duties under the Indian Electricity Act and is also responsible for electrifying and airconditioning Government buildings, etc. Apart from these, other branches of P.W.D. may have small organizations looking after their electrical instalments.

Another interesting point may be noticed. In the Punjab and Assam, Chief Engineers are *ex officio* Secretaries to Government; elsewhere Secretaries to Government are civil officers.

In the Electricity Department the Chief Operation Engineers form an intermediate grade between Chief Engineer and Superintending Engineers. In Madras and M.P. there are Deputy Chief Engineers in the P.W.D.; they are of the Executive Engineers' grade and function as P.A.s to Chief Engineers.

In States there are engineering colleges and engineering schools. Instruction is given in civil, mechanical and electrical engineering. Besides, there are a large number of consulting architects to Government with their Assistants, specialists, research officers and town planners, etc.

### **Relations with Revenue Officials**

The revenue officials and the P.W.D. officials have to function in close association with each other in the following matters:

Village water supply works such as construction of new wells, new tanks, and desilting of existing tanks and fixing up priorities for such works; land acquisition for P.W.D. purposes; minor irrigation projects for which money is allotted by the Collector from his grants; planning the location of new buildings for schools and hospitals.

As a matter of fact under various development schemes new buildings and new roads are required and this means a lot of construction activity. This activity is usually planned at the district level in the District Development Committee of which Collector is the Chairman. There are also separate

district hospitals committees and schools committees. In all this development work, the Collector and his officials as co-ordinating agencies come in close relationship with the P.W.D. officials who are builders. In time of famine, the revenue officials and the P.W.D. officials have to work in close relation with one another. Apart from this, the Collector as head of the district can always point out to the P.W.D. officials any defect which he may notice in the working of the department. He may point out where something is desired in the quality of the maintenance of roads and buildings. The Executive Engineer is the professional adviser of the District Collector in his district in all matters concerning public works on which his advice is asked (para 123 of the M.P. Public Works Department Manual, Vol. I). The P.W.D. Engineers also come in touch with local bodies' authorities and, therefore, with the Collector who has supervisory powers over these bodies.

But it is on the irrigation side that the relations between the two Departments are very close, specially in the south. Broadly, there are three distinct systems for the maintenance and management of irrigation works in India. "In Madras, where irrigation had from time immemorial been practised on a large scale from numberless tanks which were managed and repaired by the villagers themselves, Government interference in irrigation works was confined to the assessment of the revenue, and to occasional assistance from the Public Works Department in carrying out special repairs or improvements of the works. The necessity for the engineer's interference was exceptional. The villagers concerned kept their tanks in order and the revenue officer decided what lands should bear a higher assessment on account of their water advantages... it was not unnatural that, when the canal systems were instituted in the Deltas, the management which was adopted should have followed the same general lines. It has, however, been found necessary on these canals to entrust the Public Works Officer with a large share of the management. He has, it is true, no connection with the work of assessment, or with the internal distribution of the supply which is passed into each water-course. Under the Madras system of fixing a consolidated wet assessment on all lands entitled to irrigation, this is less necessary than elsewhere. But

the distribution of the supply between the various branches and distributaries of the canal system is entirely in the hands of the canal officer ; he fixes the size of the outlets or sluices at the head of each village water-course, regulates the quantity of water to be passed through each, and decides how long each should run ; and he considers all applications for water for lands not previously irrigated, and these are not accepted until he has certified that a supply is available. In all other respects, however, the administration of the canals is in the hands of the District Officers, who make all the assessments on crops irrigated on dry lands, deal with all applications for remission, and make necessary alterations in the revenue assessment when new lands are brought under irrigation... In Northern India Government irrigation works on any large scale are a modern institution. The perennial canals carried water to tracts in which irrigation was hitherto unknown, and it followed, naturally, to charge for the water a fixed rate quite distinct from the land revenue assessment. Just as naturally it followed to entrust the distribution of the water and the whole work of assessing the water rate to the engineers, who must in any case be employed to look after the maintenance of the canals...The practice followed in the Bombay Presidency is intermediate between those in Northern India and Madras. In the Bombay, Deccan and in Gujarat the first class irrigation works (on which water rates are generally levied as in Northern India) are managed entirely by the Public Works Officers ; but the second class works (on which there is usually a wet or consolidated assessment) are, as regards revenue management, under the control of the Civil Officers. the Public Works Officers, however, undertaking all necessary repairs" (Irrigation Commission Report, Part I, pp. 100-101).. The present position is substantially the same as noted by the Irrigation Commission. In Southern India the Collector and his staff maintain most of the irrigation works, the water element is already included in the assessment, assessment on dry lands is done by the revenue staff, they through the *Nirganthi* of the village distribute water to the fields, entertain all applications for remissions and grant such remissions as are necessary. Collectors also hold grants for repairs except in case of '*Khudi murammat*'. In Northern India,



the water element is not included in assessment and the engineers, therefore, make the assessment on the basis of area and crop irrigated apart from maintaining irrigation works. There are canal deputy collectors, some of whom are P.W.D. officials and others are revenue officials. They, assisted by Irrigation Inspectors, Zaildars, Amins and Patwaries, are in direct charge of all assessments. They check irrigation agreements and ensure their correctness. The Amin or the Patwari prepares the initial records of irrigation and assessment, and delivers demand slips to cultivators. The annual collection is made either by the revenue officials or the Panchayats or through special arrangements with Lambardars, etc. The Canal Deputy Collectors are under the P.W.D. but they also function as Magistrates under Irrigation Acts. As Magistrates they are subordinate to the District Magistrate concerned.

The Irrigation Commission thought that each system of canal management had adapted itself to local conditions and requirements and they proposed no uniformity. But the following remarks of the Irrigation Commission on what they call the Ideal Irrigation Officer may be found interesting :

"It is, we are aware, sometimes contended that the engineer should confine himself to his own work, that of construction ; and that the distribution of water, the settlement of disputes among irrigators, the assessment of water rates, and the disposal of claims for remissions, are not properly an engineer's work at all, and would be better carried out by revenue officers and their subordinates, whose training fits them for such questions of administration. We do not dispute that an officer who has been able to pass into the Indian Civil Service, will be able to master the knowledge necessary to direct the distribution of canal water. But, in the first place, his ordinary duties as a District Officer leave him little time for such work, which must in practice be delegated to his subordinates ; in the second, an officer who may have been able to devote his time and attention to the subject is very likely to be moved to another district where there are no canals, and to be succeeded by another who cannot interest himself in the matter ; and in the third, the services of the engineer cannot be dispensed with altogether, for he will still be required to inspect frequently all



channels, and to attend to the maintenance of the works. If, therefore, a choice must be made between calling on the District Officers to acquire the special knowledge required for the effective management of a large canal, or requiring the Canal Officers to learn the duties of a revenue officer to the extent that may be necessary for the purposes of canal administration, we should be disposed on these grounds alone, and for the sake of securing continuity in canal management to prefer, the latter alternative.

“But there is another reason to which we attach even greater importance. The successful manager of a large canal division, the *Ideal Irrigation Officer*, should be something more than either engineer or revenue officer. He is constantly inspecting every part of the system, looking after both his public works subordinates on the canal works and banks and his revenue establishment in the fields and villages, and hearing all the petitions and complaints of the cultivators. Being thus in daily touch with the canal staff and the cultivators, he is always on the alert to propose improvements in the distribution of water and in all matters of management ; his main concern being to get the most he can out of the available supply, not only by localizing waste from Government channels or village water courses, but also by constant adaptation of the distribution to the requirements of the moment or of the locality. It may well be doubted whether any of the improvements in distribution which have been made in the Northern India canals, would have been proposed if the canal officers had been responsible only for the maintenance of the works. Under a dual control it would have been no one's business to initiate them” (Irrigation Commission Report, Part I, pp. 103).

## **Forests**

Of Forests the Planning Commission Report says : "Forests play a vital role in India's economy. They are an important source of fuel and also of raw materials such as timber, bamboos, lac, gum, *katha*, useful for domestic, industrial and agricultural purposes. They also provide materials for defence and communications as well as grazing for cattle. Forests help in the conservation of soil fertility and play an important part in the maintenance of the water regime of the land. The organic matter they yield improves the tilth and increases the water-holding capacity of the soil thereby reducing the run-off. The presence of vegetation acts as a physical check to the velocity of the run-off and reduces its soil-carrying capacity. Thus forests protect the hilly areas against excessive soil erosion. Similarly, they protect flat lands against dessication and erosion caused by winds. They exert a beneficial influence on the growth of agricultural crops and on the climate of the region in which they exist." The area of India is 1266890 sq. miles out of which 265,932 sq. miles are under forests. Out of this total forest area 123,665 sq. miles are Reserved Forests, 37,944 are Protected Forests and 87,371 are Unclassed Forests. For the rest details are not available. The total value of major forest produce, like timber, roundwood, pulpwood, firewood and charcoal is Rs. 171648000. All these figures are for the year 1949-50.

A beginning in forest conservancy was first made in South

India during the period 1850-57, but the scientific management and administration of forests commenced in 1863 when the first Inspector General of Forests was appointed. The general forest policy was laid down in 1894 and then again in 1951. During the last 100 years very valuable work has been done in the forests most of which is unknown to the ordinary citizen. Forests are a State subject. The functions of the Forests Department are the protection, conservation, development, exploitation, utilization, and regeneration of forests ; the Department takes measures for the prevention of soil erosion and for increasing soil fertility ; its efforts are directed to obtaining maximum yield consistent with the permanent maintenance of forests and the supply of the needs of the people therefrom ; forests cater to the needs of agriculture and industries as well. In addition the Department conducts research in silviculture, utilization and other problems affecting the regeneration and development of forests.

The Department is headed in every State by the Chief Conservator of Forests, in Bengal and Orissa called the Director of Forests. He is both the local Head of the Forest Department and Technical Adviser to Government in forest matters. He has a large measure of authority and responsibility in the management of his Department and specially in regard to professional questions. He supervises the framing and progress of working plans ; supervises and controls the systems of fire conservancy and methods of silviculture improvements ; controls all sales of Government timber and other forest produce ; he is responsible for carrying out Government policy in regard to forests and for ensuring that every forest officer performs his duties and all the rules and regulations are enforced. For this purpose he tours and inspects and keeps himself informed as to how far duties are being properly performed and Government orders are executed. He has certain disciplinary powers over the forest staff. He is responsible for framing the budget of the Department and sending a large number of reports including annual administration report to Government. All correspondence from Government to Forest Officers is addressed to him and all communications from the Department to Government go through him. Below him are the Conservators of Forests.

Conservators are in administrative charge of Circles ; within their respective charges they are responsible for the preparation and progress of working plans, for the supervision of forest works, for the control of establishment, of expenditure, of advances for works and contracts, sales and supplies, and for general management of forests. Then come the controlling charges called Forest Divisions in charge of Deputy Conservators who are known as Divisional Forest Officers (DFOs) ; in Madras they are called District Forest Officers in charge of Forest Divisions. DFOs are responsible for the administration of the Forest Divisions and the execution of works in their charge. They arrange for the exploitation, regeneration and protection of forests according to sanctioned working plans. They conduct sales, enter into contracts, and supply material to Departments and the public and realize revenue and control expenditure. They are really executive officers and on them rests the responsibility for proper management of forests, business and the finance of their Divisions. They deal finally with the forest offence cases. They should have local knowledge both about the forests and the people and they regularly tour. They also take active part in all technical work.

In the Division are comprised Ranges which are called executive charges and are in charge of Range Forest Officers (RFOs). The Range Forest Officers are responsible for the efficient management of their Ranges, for the custody and condition of all Government property and the discipline of all Forest subordinates in their charge. They do all work in connection with the marking, reservation, girdling and felling of trees ; the transportation of timber and fuel to the sale depots ; sowing, planting and other silviculture work ; protection of forests and investigation of important offences ; supervision of removal of forest produce by purchases and by right and privilege holders ; issue of passes and permits. In general they carry out all the orders of the Divisional Officer and submit to him all the reports and accounts. In between the Range and the Division there are Sub-Divisional Officers called Sub-DFOs. Some of these Sub-DFOs are in charge of independent Sub-Divisions. In the Divisions will be found other officers like officers in charge of working plans,

silviculturists, forest utilization officers and forest engineers. The working plans officer is responsible for the survey of growing stock, enumeration of trees, examination of soil and climate conditions of the locality ; and on the basis of data so collected the preparation of plans for felling, regeneration, silvicultural treatment and protection of forests. This, of course, has to be done with due regard to the rights and privileges of the people including grazing of cattle. The silviculturist investigates methods for the improvement of growing stock and soil fertility, for the introduction of new species of high economic value and for the afforestation of non-agricultural and treeless lands. The utilization officer surveys the forest resources with a view to encourage more intensive utilization of forest products in trade, industries, etc. The Forest Department looks after a large number of roads, buildings and bridges and these are looked after by forest engineers. Engineers are concerned with mechanical transport and mechanical appliances for the extraction of timber and fuel, etc.

Range Forest Officers are assisted by Assistant Range Forest Officers. Under the RFO are Round Officers who are responsible for the protection of forests, investigation of offences, issue of transit and other passes, collection of grazing fees and inspection of forests, etc. The Round Officer is responsible for all work in his round and immediately supervises the work of the Beat Guards.

In a Range are comprised protective charges called Beats. The Beat Guards patrol and protect all forests in their beats, maintain fences in good condition; tend plantation and remove weeds; repair and maintain forest boundary marks ; ensure that while the people exercise their rights and privileges they do not interfere with the rights of Government in forests ; that no one cuts trees illegally or grazes cattle otherwise than in accordance with rights and privileges existing ; ensure that fire-fighting arrangements are satisfactory ; that there is no illegal shooting and fishing in Reserved Forests ; maintain the forest post houses in proper condition. Forest Guards also carry out silviculture work such as sowing seeds, cutting creepers, collecting seeds and preparing nurseries, etc. There are other supporting officers like Depot Officers, *Naka* Guards Surveyors, etc.

Forests are usually divided into "Reserved" Forests and "Protected" Forests. The distinction is that in the Reserved Forests there are few or no rights of the people, while in Protected Forests there are established and acknowledged rights of the people which are regulated. These rights arise from old customs and old rights ; but privileges are also allowed by Government to people to meet their needs. The principle has been accepted that while interests of the Forests must be protected for the general benefit of community, considerations of mere revenue should not stand in the way of Government allowing people's needs being met from forests. Whether Reserved or Protected, Forests are again divided into : (a) Forest proper, (b) Fuel and fodder reserves, and (c) Pasture reserves.

In forest proper every privilege enjoyed by the people is a matter of favour on the part of the Government and these privileges vary from place to place. They include free grazing or grazing on payment of a fee, cutting of certain inferior species for certain purposes, free grant of timber for specified purposes ; the collection of certain fruits, flowers, and minor produce and the removal of earth and stone. The enjoyment of all these privileges is regulated by rules. Fuel and fodder reserves meet the need of locality first and only the surplus is exported. Pasture reserves are those areas where grazing of cattle is normally allowed. Most of these reserves are in charge of the Revenue Department in many States. There are various rules for grazing, for example, village cattle have the first right.

When the Government assigns to any village community the rights of Government to area over any land which has been constituted a Reserved forest, such forests are called Village Forests. Rules are made for the management of Village Forests which prescribe conditions under which community to which such assignment is made may be provided with timber and other forest produce or pasture, and their duty for the protection and the improvement of such forests. There are Private Forests also over which Government exercises some rights. In Orissa forests are classified as follows :

1. State Reserved Forests.
2. State Protected Forests.
3. State Reserved Lands.

4. State Unreserved Lands.
5. Private Reserved Forests.
6. Unclassed Forests.

Forest produce is divided into major and minor. Some of these are timber, fuel, bamboo (the principal forest produce used in the manufacture of paper), lac, tanning materials, gums, resins, drugs, cane, leaves, fruit, fibres, commercial grasses, essential oils, medicinal herbs and dyes, etc.

While an ordinary citizen may be only vaguely aware of the existence of forests, this Department constitutes a very important activity of Government. The fact that roughly 1/5th of the total area of this country is under forests is itself enough to indicate the great importance of the work of this Department. Most of the benefits of the forests to the ordinary man, however, are indirect and this sometimes makes him feel that the Department is unsympathetic. It is not generally known that the Department undertakes large surveys and settlement operations, works many working plans for the improvement and development of forests, prepares maps and keeps a large number of records ; in fact the forests constitute a world by themselves. Research in diseases of plants goes on as in an agricultural research institute ; large contracts are given ; large works are undertaken and a great deal of supervision is required to ensure that work is done according to plan. Forests also give protection to wild life and issue passes for shooting according to season and the type of game.

The relations between the Forest Department and the District Administration are very close ; this is sometimes not realized by officers who have not worked in districts having large areas under forests. Afforestation and deafforestation involve the Revenue Department because the public rights in land proposed for afforestation have to be settled by that Department. Any plan prepared by the Forest Department, which affects local supply and the rights and privileges of the inhabitants of the tracts concerned, requires the approval of the Collector. In all matters where privileges of the people like grazing, right to collect forest produce, etc., exist, the Revenue Department is concerned. The Collector as head of the district is concerned with the welfare of the people in general and the people come with their complaints to him.



Various officers, therefore, have to keep in close touch with the Collector. Para 67 Sub-para 5 of the Madras Forest Department Code defines Collector's relations with the DFO as follows : "In all matters not covered by clause 4 (that is technical establishment and office routine) the Collector shall be presumed to be interested and the district officer shall be bound to keep him fully informed, both by personal conference and otherwise, of all matters of importance. In particular, in matters in which the Forest Department comes into direct contact with the public and other Departments, such as proposals for reservation and deafforestation, rules for the management of Reserved and Unreserved lands and the levy of seigniorage, game rules, timber transit rules, grazing, the formation of forest panchayats, the supply of fire-wood for the public, the issue of timber for agricultural and domestic purposes and the like, no orders other than of a routine nature shall be issued by the DFO without the prior assent of the Collector. If the Collector does not approve of the DFO's proposals, the Collector's decision will prevail, unless the DFO elects to refer the matter to the Conservator. In that case the reference to the Conservator shall be submitted through the Collector and, if the Conservator differs from the Collector he shall refer the matter to the Chief Conservator, who, if he does not agree with the Collector, shall submit the correspondence to Government for decision. If he agrees with the Collector, he shall pass orders accordingly."

Para 12 of the Orissa Forest Code says :

"DFOs must understand that they are put in charge of the forests to administer them in the interests of the people of the district, insofar as these interests do not conflict with the larger interests of the community of the province as a whole. The District Officer is the head of the district and the welfare of the people of his district is his immediate concern. When, therefore, the DFO proposes to adopt any new procedure or to take any new action which in any way affects the interests of the residents of the district, such as the closure of certain area to grazing or the leasing out of the grazing instead of the issue of permits departmentally, the District Officer should be consulted or informed in sufficient time to allow him to raise any objection. The reasons for the proposed action should be

clearly explained. If the District Officer objects to the proposed action, but the DFO is still of opinion that this proposed action should be taken in the interests of the forest or in the interests of the province, he can then refer the matter to the Conservator, who will refer the matter to the Revenue Commissioner. The Revenue Commissioner should report his decision to Government who will issue final orders in the matter.... Again the advice of the District Officer should be sought in all matters such as the collection of land revenue, the procedure to be taken to evict tenants who are refusing to vacate temporary cultivation at the expiry of their leases, and in other similar matters, which are outside the ordinary scope of a forest officer's duties. On the other hand, the advice of the forest officer must always be at the disposal of the District Officer in forestry matters. DFOs should be known personally to the District Officer and to the other district officers such as the Executive Engineers. They should take every convenient opportunity to discuss district matters with these officers personally, but must not rely entirely on personal interviews. If it is not convenient for a District Officer to see a DFO or if the DFO is prevented from visiting the District Officer the matters can always be referred to him in an official letter. The District Officers will see that Tahsildars and the subordinate revenue agencies of all grades render as much assistance not only in the management of Government waste lands, and in the assessment and collection of Government dues but generally in the management of forest as their other duties permit. The impression that forest work lies outside the duties of land revenue officials should be discouraged. The District Officer will take steps to ensure that these principles are thoroughly understood by all the revenue staff subordinate to him. Formal official correspondence between the District Officer and the DFO concerning matters dealt with by these instructions should be avoided as far as possible. Personal discussion is the best method....."

Diaries of DFOs are submitted to the Conservator through the Collector. Bombay Government orders state that forest administration is a branch of the general administration and responsibility for a wise management of the forests rests as much with the Collectors and their assistants as with the officers

of Forest Department. The establishment of the Forest Department does not relieve the revenue and police officers of their duty to protect Government property in forests. The Collector as the executive head of the district is responsible for the forest administration in the district except in matters relating purely to technical matters, and the Divisional Forest Officer is the assistant to the Collector and subject to his orders. Thus, because of his being head of the general administration in the district and because the public is affected by forests and have rights therein, the Collector and his revenue staff are concerned with forest administration. Their duties are, therefore, twofold : (i) to ensure that people's rights are safeguarded and that they are not put to any hardships, and (ii) that the work of the Forest Department and the decisions which that Department takes are explained to the public so that the latter understands the needs of the Department. The Government policy on this point may be stated as follows : In the management of forests, the contentment and the convenience of the people is of greater importance to Government than mere revenue ; while forest officers must resist unauthorised encroachments and must protect and conserve timber, firewood and other forest produce and other interests of the forest, Government are not interested only in forest revenue if this is produced by curtailment of local supply or privileges or by levy of excessive charges for grass and other minor produce. The revenue so derived would be no compensation for the hardship and the irritation that may be caused to the public.

Forest Advisory Committees and Sub-Committees have also been set up. The meetings of the committees enable non-official representatives to ventilate grievances and complaints of the public in regard to forest administration and they at the same time afford the officials an opportunity of consulting these representatives on various pending questions affecting the Department and of explaining to them the reasons for decisions already taken. The service which this Department does to the public is rendered less to individuals than to the public taken as a whole, and this needs explaining. Forests influence climate and rainfall,

protect watersheds and conserve water supply, prevent erosion and floods, supply various domestic and agricultural needs, provide grazing for cattle, increase economic resources of the country by utilizing non-agricultural land which would otherwise go to waste, and beautify the countryside.

In various States contractors are being replaced by village cooperative societies.

## ***Local Self-Government***

### **Urban and Rural Councils**

The *Pauras* (Urban Councils) and the *Janapadas* (Rural Councils) were well known in ancient India and not only managed Local Self-Government affairs but were also consulted by Governments and rulers on broad policies and decisions. The present system of Local Self-Government, however, is a British creation. Everything now is Self-Government in India ; but by Local Self-Government is meant the Government of a locality, in respect of certain functions, by the people of that area or by their representatives. The first Local Self-Governing body set up was the Madras Municipality which was established in 1687. In 1726 Corporations were established in the other two presidency towns as well. After 1861 the local legislatures introduced new Municipal Constitutions and since then every presidency town has been governed by its own Acts. The extension of Self-Government to areas outside presidency towns began in 1842 when an Act was passed for Bengal. This proved ineffectual and another Act followed in 1850 which extended to the whole of British India. But this also, on the whole, was ineffective. In the sixties, however, a number of Acts were passed by the local legislatures and several Municipalities were set up. But it was the resolution of Lord Mayo's Government in 1870 which started the movement of Local Self-Government in right earnest and as a result of this resolution several provincial

Acts were passed which introduced the principle of election in the composition of the municipal bodies and greatly extended the sphere of municipal activities. Another series of provincial Acts were passed in the eighties as a result of a far bolder policy enunciated in the resolution of Lord Rippon's Government in 1881. Both urban and rural councils were set up. Since then various local legislatures have passed several Acts and the developments have been along three lines :

1. Increase of elected membership and consequent decrease in nominated membership ;
2. Increase in functions ; and
3. Independence as regards taxation powers.

Local Self-Government was first introduced into rural areas in Bombay by an Act of 1869. In the seventies and eighties of the last century the progress of Rural Self-Government was on the same lines as that of Municipal Self-Government. Several Acts were passed by local legislatures which embodied the principles which Lord Mayo's and Lord Rippon's Governments had enunciated in their resolutions. In 1918 the Government of India passed an important resolution affirming the desirability of removing official control of local bodies by increasing elective majority ; decided to lower the franchise and provide elected non-official Chairman, and to remove certain restrictions regarding the preparation of the budget, imposition of taxes and the sanction of works. Another series of provincial Acts followed this resolution. After the transfer of power in 1947, many extensive legislative reforms have been undertaken in the sphere of Local Self-Government. Separate electorates have been abolished, though seats are still reserved for schedule castes and schedule tribes ; franchise has been greatly extended with the result that the local bodies are elected on the basis of adult franchise ; nominated members are entirely gone except for the provision of some officials being *ex officio* members but having no right to vote ; Presidents and Vice-Presidents, or Chairmen and Vice-Chairmen are now all elective ; functions have been increased ; and Governments have been more liberal in giving subsidies and other financial aids to local bodies. On the other hand, there has been a tendency of provincializing certain subjects like

education and taking them away from the list of the functions of the local bodies. Government have maintained their general control through their officials over local bodies.

Local Self-Governing Bodies may be divided into : (1) Urban, and (2) Rural.

The gradation of Urban Bodies is as follows : (1) Corporations, (2) Municipalities divided into various grades or classes, (3) Notified Area Committees, and (4) Town Area Committees.

Rural Bodies are graded as follows : (1) District Boards, (2) Sub-Divisional or Taluk Boards, (3) Union Boards, and (4) Panchayats.

While Urban Bodies are independent of each other, each looking after the administration of its own area, on the rural side District Boards enjoy certain administrative and controlling powers over Sub-Divisional Boards, Union Boards and Panchayats. Janapadas in M.P. stand on a special footing.

### Corporations

Three Corporations of Madras, Bombay and Calcutta are very old ; but new Corporations have been added to the list. The latest are Poona, Ahmedabad, Nagpur, Jabbalpore, and Patna. More are likely to be added. The constitution of the Bombay Corporation, which in its present form was fixed in 1888, has served as a model for other Corporations. Its main feature is its triple coordinate authorities consisting of the Corporation, the Standing Committee and the Municipal Commissioner. The Corporation is headed by the Mayor. The executive power is with the Municipal Commissioner who is appointed not by the Corporation but by the Government for a prescribed term. He is not removable by the Corporation except by a very high majority. The main functions of the Standing Committee are financial. It not only prepares the budget but sanctions contracts, establishment schedules and investments, and examines accounts and frames regulations for the Municipal staff. There are other committees and sub-committees, e.g., Improvements Committee, Hospital Committee, Education Committee, the Bombay Electric Supply and Transport Committee, etc. Apart from the Municipal Commissioner there are Deputy Commissioners, Engineers, Health Officers and Secretaries, Chief Auditor and Chief



Accountant, with a large number of subordinate staff. The deliberative and executive functions have been separated and this is one of the secrets of the success of the Corporation. The Standing Committee is a very strong body and plays a very important role. Another reason for the success of the Bombay Corporation is the absence of the communal electorates and special reservations throughout the history of the Corporation. The functions of the Corporation are more extensive than of an ordinary municipality and the financial resources are also greater. The Bombay Corporation now includes the area of Greater Bombay. The Bombay Corporation's work has received unstinted praise from several quarters including the Simon Commission. As mentioned earlier other Corporations are modelled more or less on the Bombay pattern.

### **Municipalities**

Then come the Municipalities. In Bombay these are divided into Municipal Boroughs (under the Municipal Boroughs Act, 1925) and District Municipalities (under the Bombay District Municipal Act, 1901). Municipal Boroughs have some more independent powers than District Municipalities in respect of assessment and recovery of taxes, enforcements of sanitary and other regulations, and also in case of Boroughs certain references go to Government itself which in case of District Municipalities are disposed of by the Directors of Local Authorities. Otherwise there is not much difference in their composition, functions and authority. In the Punjab Municipalities have been divided into 1st Class and 2nd Class. Certain powers which are exercised by Government in regard to Municipalities of the 1st Class are exercised by Commissioners of Divisions in case of Municipalities of the 2nd Class. A somewhat similar distinction is made in some other States in classifying Municipalities. The position in various States of India with regard to the various grades of Urban Councils is as follows :

In Bombay Municipal Boroughs, District Municipalities and Notified Area Committees; in M.P. Municipalities and Notified Area Committees, the latter are being replaced either by Municipalities or Gram Panchayats; in U.P. Municipalities, Notified Area Committees and Town Area

Committees ; in the Punjab Municipalities (of the 1st and 2nd Class), Notified Area Committees and Small Town Committees (like Town Area Committees in U.P.) ; in Bihar and Orissa there are Municipalities and Notified Area Committees ; in Bengal Municipalities ; in Madras City Municipalities, Township Committees (very few) and Panchayat Boards, these last have an urban character as distinguished from purely village panchayats ; in Assam there are Municipal Boards and Small Town Committees.

All these are Urban Bodies and are graded mostly on the basis of population. A big urban centre with a certain minimum population would be constituted into a Municipality and an urban centre with smaller population would be constituted into a Town Area and even a smaller area would be constituted into a Small Town Area. These limits are prescribed by various State Acts, but the one common feature is that all these must have urban character as distinguished from rural character. Below are described briefly the composition, duties and functions, taxation and officers of the Municipalities. The same will apply on a reduced scale to Notified Areas and Town Areas. But in fact there may be a world's difference between a big Municipality and a Small Town Area.

Municipalities have their limits defined by the State Government ; the city or town is divided into wards and members are elected on the basis of adult franchise. State Governments have delimited constituencies, framed electoral rules and fixed number of members. The members when elected assemble and elect Chairman and Vice-Chairman and other elective functionaries ; Standing Committees and Sub-Committees are constituted, and meetings are held and business conducted according to the rules of business framed by the State Government. Generally speaking the following functions constitute obligatory duties.

Construction of public drains, sewers, drainage and sewage works and latrines ; scavenging, cleansing and watering of public streets and places ; street regulations, control and regulation of the construction of buildings and streets ; removal of obstruction in public streets and places ; construction and maintenance of public roads, streets, lanes,

culverts, bridges, markets, etc. ; water supply ; lighting ; protection against fire ; regulation of offensive trades and abatement of public nuisances like brothels, begging, loitering and soliciting for immemorial purpose ; slaughter houses and regulation of slaughter of animals ; control over the sale of food, drink and drugs ; licencing of markets and shops for sale of certain articles ; securing and removing of dangerous buildings and animals like mad dogs ; sanitation and prevention of diseases including regulation of the disposal of rubbish, night soil etc., disposal of dead bodies of animals, receiving information of the outbreak of epidemic diseases like cholera, plague and small-pox and taking preventive and combating measures ; vaccinations and inoculations ; cremation grounds and burial grounds ; public hospitals and dispensaries ; primary education ; naming of streets and numbering of houses ; registration of births and deaths.

Thus these duties broadly fall under the following heads :

Medical and public health, public works, public safety, public convenience, and education. Some of the discretionary duties are :

Construction of new streets, parks, gardens, rest houses, baths, bathing ghats, washing places, fountains, tanks, wells, dams, orphanages, rescue homes for women and reclaiming unhealthy localities, libraries and museums ; education above the primary stage ; census ; survey ; exhibitions ; public receptions.

These lists are neither comprehensive nor precise but give a general idea of the very extensive functions which Municipalities perform, the amount of good they can do to their citizens and how immediately these functions are the concern of the daily life of the people. Some Municipalities may have more functions including the management of light railways, tramways, and telephone lines and maintenance of model farms ; others may have as obligatory duties only a small number of the duties listed above under head obligatory. Duties differ according to the status of the urban councils and also from State to State according to the nature and character of the urban areas. These are prescribed by the Municipal Acts passed by Local Governments and the rules framed thereunder. This cannot but be so, for to insist on a very

precise and uniform organization of local bodies is to misunderstand the very nature and role of Local Self-Government.

To perform these duties certain sources of taxation have been allowed to Municipalities. These broadly are :

1. A tax on the annual value of buildings or lands or both.
2. A tax on trades and callings carried within Municipal limits and deriving special advantages from Municipal services or imposing special burdens on those services.
3. A tax on trades, callings, vocations including all employments remunerated by salaries or fees.
4. A tax on vehicles and other conveyances including boats plying for hire ;
5. A tax on dogs and all animals used for riding, driving, draught or burden. All these animals should be within the Municipal limits.
6. A toll on vehicles, animals, and laden coolies entering the Municipality.
7. An octroi on goods or animals brought within the Municipality for consumption or use therein.
8. A circumstances and property tax on inhabitants.
9. Water tax, scavenging tax, and a tax, for the cleansing of latrines.
10. A lighting rate where the lighting of public streets, places and buildings is undertaken by the Municipality.
11. Fees on the registration of cattle sold within the limits of the Municipality.

There are various restrictions prescribed with regard to the imposition of these taxes so that sometimes if one tax is imposed another cannot be ; there are also limits to the amount which can be imposed as a tax. Against assessment by Municipalities an appeal usually lies to the Collector. Other sources of income of Municipal Bodies are :

1. Receipts of income from various activities of the Municipality, e.g., fees from students in schools, income from slaughter houses and markets, receipt from sale of manure, sale of rubbish, issue of licences, medical fees, etc., rents of Municipal lands and buildings ;
2. Government grants. They are in various forms. There are contributions from Government for education, medical and health services, veterinary services,

municipal works and for capital expenditure. Grants are these days rather liberal. Various Governments have sanctioned a number of schemes regarding conservancy, road repairs and water supply, and pay a liberal subsidy towards these. Government also give financial aids towards slum clearance, for housing of *Harijans* and for improvement of towns. Government meet usually half of the expenditure incurred on the payment of dearness allowance to Municipal staff.

In Bombay State, Government give to Municipalities a share in the land revenue equal to 15 per cent of the land revenue collected in Municipal areas and a grant equal to 75 per cent of the non-agricultural assessment collected in Municipal areas. Government also help the Municipality by loaning the services of its officers, e.g., the Health Officer, the Engineer, etc., and meet a part of the salary of these officials. Besides these officers the assistance of expert officers and staff of Government is available to the Municipalities. Particular mention may be made of the State Health, Engineer and the Director of Public Health, State Education Officers, town planners and their subordinates, etc., who advise, help, and guide local bodies in the performance of duties in their respective fields.

Municipalities may also raise loans but this is generally subject to the previous sanction of the State Government.

The head of the Municipality is the President or the Chairman and next to him is the Vice-President or the Vice-Chairman. To the latter some of the duties and powers of the former are delegated. The chief administrative officer is either the Executive Officer or the Secretary. He is employed by the Board and the Board may punish him ; for this purpose special majorities are required and an appeal lies to Government. Certain functions of the Board have been assigned to the Executive Officer. In the Punjab there is a special provision under the Executive Officers Act for the appointment of an Executive Officer by Government when the Government deems it necessary to do so in the interest of the administration of a Municipality. When the Executive Officers Act has not been applied, the Secretary is the chief Executive Officer of the Municipal Committee. The Executive Officer or the Secretary is the general administrative officer of

the Municipality and heads the office and the tax-collecting agency. Then there are departmental officers. There is the Municipal Medical Officer of Health or in case of a smaller Municipality a Sanitary Inspector. They are supported by a large number of vaccinators, and Health Inspectors. The dispensaries which are run by the Municipalities are staffed by Medical Officers who are usually in Government employ and part of their salary is contributed by the Municipality. Subordinate officials like compounders and nurses are employees of the Municipality. There is a Municipal Engineer ; in case of a small Municipality there will be only an Overseer. The Engineer will look after Municipal buildings, roads and water works. In bigger Municipalities there may be an Electrical Engineer. There is an Education Officer who may be a Government employee but serving under the Municipal Board under local arrangements ; or he may be a Municipal employee called Secretary or Superintendent of Education. The Municipality may decide about the strength of its establishment subject to Government control that there is no undue expenditure on establishment. Every Municipality employs a large number of inferior servants on conservancy and scavenging work. Detailed rules have been laid down as regards the qualifications, recruitment, functions, powers and punishments of these officials and the control which Government exercises. The precise position of the senior departmental officials as to whether they are Government employees or Municipal employees and what their status is, is described elsewhere under respective Departments.

### **Notified Area Committees**

Notified Areas are constituted by the State Governments under the Local Municipalities Acts certain Sections of which are extended to such Notified Areas. The Notified Areas, therefore, are minor Municipalities ; their position, duties and functions, taxation powers and officers and staff are all determined under the relevant Sections of the Local Municipal Act. All Sections of the Local Municipal Act are, however, not extended to Notified Areas ; and even when some of these Sections have been extended, the actual set-up, functions, resources and staff of the Notified Area Committee are on

a much smaller scale than those of a Municipality. But generally speaking a Notified Area Committee may be conceived as a minor Municipality subject to the more detailed and vigorous supervision of the District Magistrate and the Divisional Commissioner or Director of Local Authorities. The Notified Area Committee essentially performs the same public functions in the spheres of health and sanitation, medical services, education and public works which a Municipality performs. It imposes fewer taxes than a Municipality does and employs fewer and limited staff. Bigger Notified Areas or well-run Notified Area Committees may for certain purposes be declared by State Governments to be Municipalities.

### **Town Area Committees**

The Town Areas or the Small Towns are constituted under separate Acts passed by State Governments. For each Town Area or Small Town there is a committee of elected members, who elect their own President. The Town Area Committee is responsible for the maintenance of public roads situated within its limits, the supervision of water supply, sanitation, drainage, lighting, education and public health and safety. They may regulate offensive callings or trades ; dispose of corpses by burning or burial ; repair or remove dangerous buildings ; regulate slaughter houses : grant licences for sale of meat ; register births and deaths ; may licence shops of food and drink ; register and train midwives and generally take measures for the protection of public health and prevention of diseases. They may name streets and number houses. The Town Area Committee appoints its own staff, in some cases, subject to the approval of the District Magistrate. To perform its functions it imposes a town tax which is assessed on the occupiers of houses or lands within the limits of the Town Area according either to their general circumstances or to the annual rental value of the houses or lands so occupied by them, as the Committee may determine. There are limits on taxation and limits on total tax on an individual and the whole assessment is subject to the sanction of the District Magistrate. The Committee may impose a profession tax and tax on



vehicles. The Committee may also derive some money from fines, sale proceeds of dust, dirt, dung refuse and dead bodies of animals collected by the Town servants ; from licence fees, education fees and medical fees ; from rents ; sums contributed to the Town Fund by the District Board ; sums received by way of loan or gift, and any sums given by the State Government. The Town Area Committee may also be conceived as a Small Municipality performing on a small scale some of the Municipal functions in the spheres of health and sanitation, education, public works and public convenience. Its resources are very limited and therefore its functions are limited ; and the staff is small. District Magistrates and Divisional Commissioners are charged with detailed duties of supervising the Town Areas or Small Towns. Sometime a well-run Town Area may be invested with certain functions and powers of a Municipal Committee.

## RURAL COUNCILS

### District Board

In all States, there is a District Board having jurisdiction over the entire district with the exception of areas administered by Municipalities, Notified Area Committees, Town Area Committees and Cantonments ; except that in Assam these Boards are for Sub-Divisions in the district and may be called Sub-District Boards. In Bombay and Madras, District Boards are known as District Local Boards. In M.P., District Boards, which were called District Councils, have been abolished and in their place *Janapads* have been established for each Tahsil. Thus, the District Board is concerned with the administration of Local Self-Government in rural areas. The district is divided into constituencies and all the members are elected on the system of joint electorate and adult franchise. The State Government frames election rules and delimits constituencies and prescribes qualifications for the candidates. When the members assemble they elect the President or Chairman and the Vice-President or the Vice-Chairman. In some States the President is elected by the general electorate. The District Board has usually five Standing Committees : finance, education, public works, public

health and rural development. These Committees are assisted by departmental officials who are also made members. Every District Board has an Executive Officer in whom the executive power of the District Board is vested and who also exercises some emergency powers. The Executive Officer is the chief Administrative Officer of the District Board. There are departmental officers. They usually are the District Engineer, the District Health Officer, the District Education Officer, etc. The actual position in various States differs but generally speaking some of these officers are employees of the District Board and others are Government officials whose services are placed at the disposal of the District Board and the District Board pays part of their salaries. Sometimes regular Government officials perform duties in connection with District Board functions in addition to their own Government duties. The District Board may determine its own staff and fix grades of scales of salaries, fees and allowances, lay down educational and other qualifications, fix securities to be furnished and make rules regarding leave, allowances, pensions, and frame general rules of conduct. State Government's sanction is required on various points connected with establishment. The precise position of the senior departmental officials as to whether they are Government employees or District Board's employees and what their status is, is described elsewhere under respective departments. The District Board employs a large number of inferior staff for collection of taxes, for sanitary and health duties and a large number of school teachers and cattle pond-keepers. The Medical Officers in charge of District Board's dispensaries and veterinary hospitals may be Board's employees or Government officials ; but the subordinate health staff like Health Inspectors, Compounders, Vaccinators, Nurses are employees of the Local Board.

The functions of the District Boards are more or less the same as those of Municipal Committees ; but a difference is made by rural and urban conditions. Like Municipalities, District Boards have obligatory and optional functions. The primary duties of the District Boards are the construction and maintenance of communications, hospitals, dispensaries, markets, other public buildings, public tanks and the supply, of water therefrom ; prevention and combating of epidemics ;

primary education, etc. The division of duties between obligatory and optional differs from State to State ; but the following detailed description will give some idea of the functions of the District Boards : closing and cleansing of wells ; removal of nuisances ; public tanks ; scavenging and general sanitation in rural areas ; prevention and combating of epidemics and in particular vaccination and inoculation ; burial and cremation grounds ; precautions against dangerous structures, dangerous trees, dangerous wells, tanks and holes ; destruction of dogs and stray pigs ; construction and maintenance of public roads in rural areas ; removal of encroachments ; control over and licensing of private markets ; provision of public cart stands and licensing private cart stands ; establishment and control over slaughter houses ; control over fairs in rural areas ; cattle ; ferries ; licensing of public entertainments ; regulation of dangerous and offensive trades and abatement of nuisances ; removal of dead bodies of animals ; hospitals, dispensaries, maternity centres and veterinary hospitals ; improvement of the breed of horses and cattle in rural areas ; primary and middle schools and also in certain places high schools and other schools ; and rest houses.

Not all these functions are performed by every District Board ; but they give an idea of the very important and useful functions which have been assigned to these Rural Councils. Some of these functions may within limits of their areas be performed by Village Panchayats. Thus the functions of the District Board like those of the Municipality fall within the following categories :

1. Medical and Public Health,
2. Public Works,
3. Education, and
4. Public Safety and Public Convenience.

To perform its functions and pay its staff the District Board has been allowed sources of taxation and other income. These are :

1. Land cess or local rate. This usually represents a percentage of the land revenue and is added to it.
2. Profession tax.
3. House tax.

4. Licence for trades, professions, and callings.
5. Poll tax levied on animals and vehicles carrying goods or passengers entering local area in the district where a festival or fair is held and notified by the District Board to be such for this purpose.
6. Fee for works done to promote safety, health, welfare and convenience of the people in the area.
7. Pilgrim tax.
8. Receipts in respect of schools, hospitals, dispensaries, travellers bungalows, rest houses and *choultries*, transport services and other institutions.
9. Receipts from tolls and leases.
10. Fees on licences and other permissions given ; fees levied in public markets.
11. Sale proceeds of sweepings, tools, plants, old stores and materials.
12. Receipts from fairs, cattle ponds and ferries.
13. Education rate.
14. Grants from Government or contributions by other local bodies.

Not all these sources are available to every District Board and what is worse even when these sources are open, a District Board need not levy taxes. There are also limitations on the total amount which an individual can be taxed and in some cases where one tax is imposed another cannot be, because some taxes are in their incidence very similar. The sources of income of a District Board are less elastic than sources open to a Municipal Board. The State Governments have been liberal in helping the District Boards as they have been with the Municipal Boards. Various Governments have increased the land cess and have also increased the rate of water cess. A certain percentage of ordinary land revenue is allowed to the District Board, e.g., in Bombay a grant equal to 15% of the ordinary land revenue including non-agricultural assessment realized during the preceding year in the district excluding areas under the jurisdiction of Village Panchayats and Urban Councils has been made. Again in Bombay in the case of District Boards, which have large forest areas within their territories and as such are unable to derive appreciable benefit from the 15% land revenue grants, the Government pay

to every District Board a grant-in-aid equal to two per cent of the gross forest revenue realized during the previous year in the Board's area. Grants have also been sanctioned on a liberal scale to District Boards for public works and for village approach roads, culverts and bridges in rural areas and rural water supply schemes. Government also contribute a share of expenditure incurred by Boards on payment of dearness allowance and temporary additional pays to their employees. District Boards get substantial sums from Governments to meet their expenditure on primary education. Governments also pay lump sums for major works undertaken by Local Boards with the approval of Governments. Government's help is also available indirectly through their expert officials like Public Health Engineer, Director of Public Health, Education Officers and Country Planners and their subordinates who advise, help and guide District Board Authorities. State Governments also loan the services of their departmental officers to the District Boards ; sometimes regular Government departmental officials perform District Board duties in addition to their own Governmental duties. Governments may also give loans to District Boards.

### **Subordinate Boards**

In various States there were Subordinate Boards, variously known as Taluka Boards in Madras and Bombay, Local Boards in Central Provinces and Sub-Divisional Boards elsewhere. These did not function effectively and many of them have been abolished and others are being abolished. In Bihar there are a small number of Union Committees which work under the control of the District Board over specified smaller areas. These are convenient administrative devices and these Union Committees administer subjects which are transferred to them by the District Boards. These Union Committees are to be distinguished from Union Boards which are constituted under another Act. All such bodies whether Sub-Divisional Boards or Union Committees and even Union Boards functioning in rural areas have come into conflict with the new Panchayat Schemes and are being replaced by the latter.

Local Self-Government Bodies give effect to their functions, duties and powers through by-laws which they frame

and which have the force of law. Their breach constitutes offences which are punishable. State Governments have framed model by-laws which are adopted by local bodies and which ensure uniformity of administration.

*Union Boards and Panchayats* : These will be described in subsequent chapters.

### **Control over Local Bodies**

State Governments have retained control over local bodies. They lay down the general policy regarding Local Self-Government for it is the State Acts which constitute local bodies, define their functions and powers, provide them sources of finance, authorize them to employ staff, and generally frame rules regarding the conduct of business. In the beginning the control exercised by Provincial Governments was through the method of "inside control"; that is to say, there were a number of nominated members in the Committee and the Chairman was the District Collector. This method has been given up in favour of what is known as "outside control". The Committees or Boards are now fully elective and elect their own President or Chairman. Such Government officers as sit at meetings, have no right to vote. "Outside control" is exercised either by Government or its officers, usually the Directors of Local Authorities or Divisional Commissioners and District Magistrates. This control is of two types : One is the general control of a drastic nature ; the other is of routine type. If a Board or Committee persists in making defaults in the performance of its duties or abuses its powers, the State Government has power to dissolve the Board or the Committee, to supersede it for a prescribed period and reconstitute a Board or a Committee or appoint an administrator. As apart from the Board or the Committee, if any member abuses his position or contravenes any rules made by Government governing the conduct of such member (e.g. no member of a Board or Committee will have any interest in a contract given by such Board or Committee), Government may remove such member from the Board or Committee. The Government has also powers to remove the President of a Board or Committee for various reasons including persistent failure on behalf of the President in the



performance of his duties. The Government or the 'prescribed authority' or the Divisional Commissioner or the District Magistrate may suspend a resolution of the Board or Committee and its execution if in the opinion of such officer or authority such a resolution is not in public interest. This is the power of veto. There is also the power of certificate, i.e., State Government, 'prescribed authority', Divisional Commissioner or District Magistrate may perform a duty of the Board or Committee if the latter feels to do it and may charge the cost of the work to the fund of the Board or Committee. Apart from this in case of emergencies, Divisional Commissioners and District Magistrates may execute any work which a Board or Committee is empowered to do ; but which should be done immediately. The expenses will be charged to the fund of the Board or Committee. Other general powers are those of inspection and supervision, calling for documents and taking them into custody, entering into local bodies, and inspecting their work.

Routine duties are provided within the body of the Acts and Rules. Broadly speaking these are : Budgets have to be approved by the Government or its officers ; work of the Local Bodies' is periodically reviewed and general instructions given ; appeals against assessment of taxes by Boards or Committees lie to Government officers ; Government officers hold the power of sanction of appointments and certain categories of staff ; inspection notes on the work and administration of Local Bodies are received by Government from time to time from various inspecting authorities and Government issues instructions generally or specially designed to bring about improvement in administration and working of Local Bodies ; the rules and by-laws framed by Local Bodies generally require sanction of Government or its officers ; Government has right to suspend levy of taxes which in its opinion are unfair in their incidence or obnoxious to the public ; Government or its officers may reduce excessive establishment ; certain special powers under various Acts can be exercised by Local Bodies by special permission of Government ; on certain points references are required to be made to Government ; and accounts of Local Bodies are audited by Local Fund Examiners who are under the control of Government.



The precise position with respect to these powers and the authorities and officers who can exercise them differs from State to State and also from one type of local body to another ; but broadly the position is the same. General drastic powers are seldom exercised. Local Bodies are allowed to learn by the method of trial and error, they are allowed to make mistakes ; and Government interference comes only when the position becomes impossible, for Local Self-Government or no Local Self-Government a minimum of good Government has to be secured in the locality.

Routine powers are exercised as a matter of course and Government officers bring their own discretion and judgment to bear on the performance of these duties which have been assigned to them. State Governments also exercise certain powers of control and guidance through the grants they make to Local Bodies.

The correspondence of the Local Bodies to the Government usually passes through the District Magistrate and the Divisional Commissioner who are expected to add to the files something worthwhile. The Divisional Commissioners and the District Magistrates are the usual agencies through which State Government exercises control over Local Bodies and to whom it also delegates some of its own powers. In some States, however, separate prescribed authorities have been created *e.g.*, in Bombay there are Directors of Local Authorities, one each for the three old Divisions. They exercise the same powers—statutory and non-statutory—which the former Divisional Commissioners exercised in relation to Local Bodies. They tour extensively and inspect Local Bodies. In Madras the supervision is exercised through the Inspector of Municipal Councils and Local Boards, who has four Deputies. In Madras Collectors have no powers or control over Municipal Councils or District Boards except in case of emergencies ; but they watch the work of the executive. In Madras there is a whole-time paid executive authority designated as Commissioner for every Municipality and he performs all the executive functions. These Commissioners are appointed and controlled by Government. In Bihar there is a State Inspector of Local Bodies for Municipalities and District Boards.

It is necessary to emphasize that the general powers of

control and supervision which Government and its officers have over Local Bodies are meant to ensure a minimum of good Government in the locality as well as to keep the Local Self-Government on right lines and to provide it necessary guidance with the objective of *not* replacing the Local Self-Government by State Government agencies but of fostering the Local Self-Government and enabling it to function well.

Notified Areas and Town Areas have poor resources in money and men and, therefore, require more guidance from Government and its officers. The powers of inspection, supervision, superintendence and control, which Government and its officers exercise over Notified Area Committees and Town Area Committees, are, therefore, more extensive ; but here the object remains the same, *i.e.*, to enable these Small Local Bodies to manage their affairs well.

## ***Some General Observations on Local Self-Government***

Local self-governing bodies are best fitted, better fitted than Central Governments, for the purpose of certain duties, specially in the sphere of social services and welfare activities. Local people can bring their local knowledge, interest and enthusiasm, and local resources to bear on the solution of their own local problems. They know what their needs are and they also know how best they can be met. Local needs differ from place to place and specially in India where there are so many local differences, any central action would in some spheres merely emphasize the disharmonies ; whereas local action would be more appropriate to local circumstances. Local functions can be locally performed cheaply, with a small number of staff and all restraints that may have to be put on the people would be less irksome than if they were put by a central agency. When people have discussed their problems and taken decision they know the reasons of particular policies, they understand them and that makes them more amenable to the action that may be taken by the local authorities. Moreover, a new hope comes when powers are available locally for taking action, for the Central Governments are always far off and are even considered strange. Again the cost of services is more

equitably distributed when these services are provided by local authorities. Many social services and amenities provide for local needs and it is reasonable that the people of that locality should pay for them. This self-management develops a sense of local pride and local shame and acts as a stimulant to local improvements.

On the other hand in India as elsewhere there are certain factors which hamper the progress of Local Self-Government. Some of these are merely temporary and administrative but others are more far-reaching. In the first category may be included such considerations as unhealthy areas in charge of local bodies, untrained and low-paid staff, and absence of effective guidance from Government officials. These can be corrected. The more far-reaching considerations which have adversely affected the working Local Self-Government in India may be summarized as follows :

Common civic sense tends to be vitiated by considerations of caste, creed and family. The Simon Commission Report says : "Communal and caste dissensions, which are today the most serious problem in Indian politics have naturally affected local bodies. The violent sectional antagonism between Hindus and Mohammadans or Brahmins and non-Brahmins has certainly impaired efficiency of local bodies. It has tended to prevent the employment of the fittest persons in administrative posts, and factious quarrelling has in many instances, occupied the attention of the members to the exclusion of all other considerations. It is clearly the greatest obstacle to the development of a sense of common citizenship which is the necessary basis for healthy civic life." There have been also personal rivalries, jealousies and squable. The electorate has been illiterate and in some places far removed from the impact of progressive ideas and has, therefore, not been able properly to control the actions of its representatives in local bodies. Sometimes it has shown apathy. The members of local bodies have at times mistaken their roles and not realized their true responsibilities and it is a common complaint that the appointments, of even low-paid menials evoked more interest with the majority of members than

really important matters relating to sanitation, public health and education. There has been too much interest in minor personal details and neglect of major public ones. Many matters of public interest have been decided on personal consideration and considerations other than of public interest. Another very great defect has been the reluctance of the elected members to impose local taxes. Though this is a feature by no means confined to India, it effectively prevents local bodies from performing their duties and justifying their existence. Members themselves sometimes created agitation against any new form of taxation to please their electorate. Any body soon comes into discredit and invites public indifference if it performs no useful functions. Perhaps the ordinary work of keeping streets clean and providing drainage and conservancy services and a minor school and the lighting of the streets has been much too humdrum and dull and not inspiring.

Urban and Rural Councils have now been functioning for nearly a century and it is, therefore, worthwhile to record what authoritative opinion has thought about their functioning and achievements. The Simon Commission Report says : "In none of the various sections of the field to be surveyed have we to paint a picture of unrelieved failure or unqualified success. In every province, while a few local bodies have discharged their responsibilities with undoubted success and others have been equally conspicuous failures, the bulk lies between these extremes." The Planning Commission passes the following verdict : "During the past decade, the problems of local bodies have received even less attention than before and indeed, on the whole, the period has been one of retarded development in the field of Local Self-Government. Generally speaking during these years, local bodies have not expanded their resources to any great extent and have found it difficult even to maintain the existing level of services. Although official Chairman and nominated members have largely disappeared and the municipal franchise has been widened, in many local bodies the standards of efficiency have gone down and new tax obligations continue to be avoided. In recent years several State Governments have followed a policy of 'provincialization' of schools, hospitals or veterinary centres, which

were run by local bodies and, had their own financial resources permitted, many of the States would have carried this policy further than they have in fact done." This move by State Governments was doubtless actuated by considerations of good government, but the move is against the democratic principle of extending Local Self-Government to all levels. Advocates of democratic decentralization uphold the case for Local Self-Government on principles by themselves irrefutable. They maintain that it is in principle necessary that all functions should be left to the local organization and only such functions should be taken away from them to be less democratically organized by the Central Government which cannot be performed by local bodies in view of the importance of those functions to the whole community. This is the principle of Local Self-Government at every level which is to be much desired, for it affords positive opportunities for the citizens to run their own affairs. Even if some functions are more efficiently organized by Central Governments, here efficiency is obtained at the cost of liberty. In brief, the argument is that self Government is a value by itself and must be promoted. This is true as far as it goes ; but as in life so in public affairs, problems arise not because a desirable value comes into conflict with an undesirable value in which case a decision could be clearly and quickly made, but because two values conflict. While self government is a value, there has also to be a minimum of good government. While good government is no substitute for self-government, nor self-government is substitute for good government. Both are values and the problem and need is to combine them. Those, therefore, who are responsible for running Local Self-Government should aim at ensuring this result. Otherwise if a minimum of good government is not ensured even self government would be discredited.

There is no reason to despair. Achievements may not have been as great as desired ; but as time passes local people are getting more training in running their affairs and this must progressively improve the chances of local self-government. They are also learning by the method of trial and error which is the only way to learn. The Simon Commission has given a right warning "...a warning must be given against applying to Indian local administration too high a standard. It is not

always realized how very rapid in recent years in Great Britain have been the extensions of public provision for social services, such as public health, and it is quite unreasonable to expect that in such matters India should all at once attain to a similar standard." The Simon Commission rightly says "It is, however, our duty to call attention to certain failures which are referred to in most, if not all, of the reports of Provincial Governments. It is not suggested that these failures are in any way peculiar to India. On the contrary they can be paralleled at various times in countries with a far greater experience of representative institutions."

While it is quite legitimate to expect that the Local Self-Government should bring about improvements in the condition of living in local areas, this is not the only ground for justifying Local Self-Government ; and in fact the main intention of those who promoted the Local Self-Government experiment in the last century was to use it as an instrument of political and popular education. The following extract from the resolution of Lord Ripon's Government on Local Self-Government would speak for itself :

"In advocating the extension of local self-government, and the adoption of this principle in the management of many branches of local affairs, the Governor-General in Council does not suppose that the work will be in the first instance better done than if it remained in the sole hands of the Government District Officers. It is not, primarily, with a view to improvement in administration that this measure is put forward and supported. It is chiefly desirable as an instrument of political and popular education. His Excellency in Council has himself no doubt that in course of time, as local knowledge and local interest are brought to bear more freely upon local administration, improved efficiency will in fact follow. But at starting, there will doubtless be many failures, calculated to discourage exaggerated hopes, and even in some cases to cast apparent discredit upon the practice of self-government itself. If, however, the officers of Government only set themselves, as the Governor-General in Council believes they will, to foster sedulously the small beginnings of the independent political life, if they accept loyally and as their own the policy of the Government, and if they come to realize that the system really



opens to them a fairer field for the exercise of administrative tact and directive energy than the more autocratic system which it supersedes, then it may be hoped that the period of failure will be short and that real and substantial progress will very soon become manifest.

"It is not uncommonly asserted that the people of this country are themselves entirely indifferent to the principle of self-government ; that they take but little interest in public matters ; and that they prefer to have such affairs managed for them by Government officers. The Governor-General in Council does not attach much value to this theory. It represents no doubt the point of view which commends itself to many active and well-intentioned District Officers ; and the people of India are, there can be equally no doubt, remarkably tolerant of existing facts. But as education advances, there is rapidly growing up all over the country an intelligent class of public spirited men whom it is not only bad policy, but sheer waste of power, to fail to utilise. The task of administration is yearly becoming more onerous as the country progresses in civilisation and material prosperity. The annual reports of every Government tell of an ever-increasing burden laid upon the shoulders of the local officers. The cry is everywhere for increased establishments. The universal complaint in all departments is that of over-work. Under these circumstances it becomes imperatively necessary to look around for some means of relief ; and the Governor-General in Council has no hesitation in stating his conviction that the only reasonable plan open to the Government is to induce the people themselves to undertake, as far as may be, the management of their own affairs ; and to develop, or create if need be, a capacity for self-help in respect of all matters that have not, for imperial reasons, to be retained in the hands of the representatives of Government."

Local Self-Government teaches the citizens the value of cooperation, compromise, tolerance and fellow-feeling ; they come to know the value of discussion and of taking agreed decisions and then abide by them. All this constitutes valuable training in democratic methods, and in a democratic country where the people have in any case to run their affairs at higher levels, Local Self-Government would appear to be an

indispensable training ground. Without this training necessary men and leadership would not be trained up for democratically managing Central and State Governments. For such democratic training, Local Self-Government is the field which is available to most of the people and here, unlike the field of Central Government, the people can educate themselves in managing social, political and administrative affairs, in developing a political outlook, in understanding human relationships in which governments must be carried on, in the use of power as a trusteeship and in practical resource. To leave out the local field would be to leave out the level most accessible to people. It is the local level which lends itself most easily, both to participation and education, through the very nature of its work. The local level then being the more accessible and amenable, it is all the more important to grasp it as an indispensable one, and to maximize its potentialities.

And yet there is another very great consideration in favour of Local Self-Government and it is this : that a true democracy in a true democratic society cannot be sustained long, unless there is a democratic climate in the management of social affairs from bottom to top. There cannot be democracy at the level of Central Government and bare bureaucracy at other levels downwards. If that were the situation the democracy at the top would be like a superstructure without a foundation. In the sphere of Central Government the electors have been described more the patients than the agents of its political activity. Rousseau condemns confinement of democratic activity on the part of citizens to mere periodic voting for the Central Government and says that the citizens in such periodic elections exercise their sovereignty by parting with it for another set number of years. Democracy cannot be realized as a human, social, and political ideal, nor can it be made suitable unless there is an active participation on the part of a very large number of citizens in the process of government at various levels. Such participation maintains not only a continuous school for education in politics and management of human affairs but also maintains a democratic climate. The mechanism of government should, therefore, be such as facilitates the realization of these ends, and for this purpose, the establishment of democratic and responsible or representative institutions

is necessary both in the locality as well as the Centre. A true and proper conception of democracy must accord a valuable and indispensable role to local representative institutions exercising responsibility for appropriate sectors of governance, social services and public welfare. Such local institutions must not merely be the agencies of the State machine but should be institutions of Local Self-Government. Thus, a chain of democratic institutions from the bottom to the top providing ample opportunities for exercise of responsibility to the largest possible number of citizens is necessary to maintain the democratic climate in a country and keep the society democratically minded, apart from producing leaders and politicians to handle the Central affairs. Any other course, that is to say, having bureaucracy at all levels and having a political executive at the top will make democratic society liable to crisis, and democratic government at the top might be overthrown because there is no general social climate to sustain it. That is where the real importance of Local Self-Government lies and that is why it must be promoted. That is how the people at large develop political stability and political resilience which are the sound foundations of democratic life.

It is necessary to emphasize that if these objects are to be achieved, local institutions must not be merely agencies of the Central Government ; in public functions there should be decentralization and not merely deconcentration. On this important point the Simon Commission says :

"It is useful here to consider the contrast between local self-government in India, as it existed before the Reforms, and that of our own country. Systems of local self-government fall into one or other of two well-defined types, which we may call the British and the Continental. In the former, government is decentralised. Local bodies with wills of their own exist. They initiate and carry out their own policies, subject only to such powers of direction and control as are retained by the Central Government. They appoint, subject, it may be, to regulations as to qualifications, their own staff, and raise in the main their own revenue. They form, in fact, a detached system. They are not a mere subordinate part of the governmental machine. Under the Continental system, on the other hand, government is deconcentrated. The principal

local official is not the servant of the elected representatives of the locality, but is essentially an official of the Central Government, sent down to a particular locality to carry out part of the work of the Central Government. He may or may not be assisted by an advisory council, to which, perhaps, a few powers of deciding policy have been conceded, but the will that operates in the sphere of local administration is that of the Central Government, not that of the people of the locality. Now, prior to the Reforms, local self-government in India belonged essentially to the second, or deconcentrated, type : it resembled the French, rather than the British, system. The District Officer in India, like the French Prefect of a Department, was an officer of the Central Government operating in a particular district. As Chairman of the District Board, and often of one or more municipalities, he was carrying out the will of his official superiors. He was just as much the eyes, ears and arms of the provincial government as when functioning as revenue officer or district magistrate. Local self-government was just one of his many activities. He regarded his staff as available to assist him in all branches of his work. A single will operated in all spheres of activity in the district.

"Whatever may have been the intentions of the Ripon Reforms, as expressed in the Resolution quoted above, it is clear to us that, in fact, the custom of the country, force of habit, apathy, and lack of desire to assume responsibilities among those elected—together with the natural reluctance of an overworked official, desirous of efficiency, to consume much time in getting things done badly which he felt he could himself do well—combined to prevent real and substantial progress being made in political and popular education in the art of self-government. It is obvious to us that, in the vast majority of districts, local self-government continued to be, as in the past, one of the many functions of the District Officer. No real attempt was made to inaugurate a separate system amenable to the will of the local inhabitants. Even in many towns, the municipality continued to confine its activities to approving the decisions of the official Chairman and, where duties were entrusted to the Vice-Chairman, he generally merely followed the instructions of the official. It is of the highest importance

to bear this in mind in any attempt to appraise the effects of the Reforms in this sphere. In effect, outside a few municipalities, there was in India nothing that we should recognise as local self-government of the British type before the era of the Reforms.

"The Montagu-Chelmsford Report recognised very clearly the defects to which we have drawn attention and, in reviewing the history of local self-government and the constitution of local bodies as it then existed, stated that the educative principle was subordinated to the desire for immediate results. The Joint Authors were specially insistent on the invaluable training which the exercise of local self-government affords to the citizen. "The unskilled elector," they remarked, "can learn to judge things afar off only by accustoming himself to judge first of things near at hand. This is why it is of the utmost importance to the constitutional progress of the country that every effort should be made in local bodies to extend the franchise, to arouse interest in elections, and to develop local committees, so that education in citizenship may as far as possible be extended, and everywhere begin in a practical manner." They laid down as a definite formula that there should be, as far as possible, complete popular control in local bodies, and the largest possible independence for them of outside control.

"The Resolution of Lord Chelmsford's Government of 16th May, 1918, reflected faithfully the view that "responsible institutions will not be stably rooted until they are broad-based and that the best school of political education is the intelligent exercise of the vote and the efficient use of administrative power in the field of local self-government."

A last point may be noted. This is about taxation. The maintenance of credit of an institution and its usefulness to the public depends on the fruitful work it does and the services it provides. In the development field, therefore, the success of local self-government depends on the financial resources which it can command. Some people are of the view that a separate list of taxation powers should be drawn up for the local bodies under the Constitution as there is a list for the Central Government and the State Governments. At present the local self-government institutions depend on the

goodwill and ideas of State Governments which open out sources of revenue to them. The State Governments are in some spheres encroaching on the legitimate fields of self-governing bodies ; the sales tax is an example. Whatever may have been the force in this view when the local bodies had meagre and inelastic sources of revenue, the present complaint cannot be that numerous and increased sources of revenue are not open to them. It is for the local bodies now to utilize these sources.

## ***Janapadas***

The establishment of municipalities and district boards created an administrative dualism in the district. Certain subjects were administered by the representatives of the local people sitting in local self-governing bodies and in the same area district officials continued to administer other subjects as agents of the provincial government. Secondly the principle on which subjects and sources of revenue were allotted to local self-governing bodies was not that everything should be left to local bodies except such functions which could more efficiently be organized centrally. The principle, on the other hand, was to take the functions and revenues of the provincial government for granted and to assign to local self-governing bodies those subjects which they could administer more cheaply and efficiently. As a matter of fact, the same type of approach was made towards the end of 19th century with regard to the decentralization of functions and revenues of the Government of India to the provinces ; the decentralization was based on the consideration that it would ensure more efficient performance of certain functions and better collection and economy of expenditure. The object of the Janapada Scheme is to end the administrative dualism in the district and assign, in its final stage, the whole local administration to the representatives of the people of the area concerned ; it is also based on the principle that everything should be left to the local bodies and only such functions should be organised provincially



which the local bodies cannot perform efficiently and economically.

The Janapadas were set up by the Central Provinces and Berar Local Government Act, 1948 which repealed the Central Provinces and Berar Local Self-Government Act of 1920 and thus abolished the old councils and local boards. In place of these latter bodies a Janapada was established in every Tahsil or Taluk, roughly covering 1500 to 2000 sq. miles of area and a population of 2 to 3 lakhs. (The word Janapada has been taken from ancient Indian history ; in ancient India Janapadas and Pauras were respectively rural and urban self-governing bodies which managed local affairs and were also consulted by governments and rulers on important matters of state policies and government decisions.) Tahsil or Taluk was taken as the unit of administration in order to ensure decentralization of administration, for the district proved too unwieldy. As Government functions were increasing and these functions were sought to be performed by the representatives of the local people, Tahsil was considered to be the appropriate area of administration for the new scheme. To begin with 96 Janapadas were established in M.P. but were later divided into major and minor Janapadas. The Janapada authorities are as follows :

1. The Sabha. 2. The Standing Committees. 3. The Chairman of the Sabha. 4. The Chairman of a Standing Committee. 5. The Chief Executive Officer.

The Sabha consists of the councillors who are elected on the basis of adult franchise ; the Janapada area being divided into rural and urban circles. An urban circle consists of existing municipal and notified areas (these have not been abolished) comprised in a Janapada and the rural circle consists of areas in a Janapada other than municipal, notified and cantonment areas. The circles are divided into electoral divisions and each electoral division elects one councillor ; but on the recommendation of Janapada Enquiry Committee, 1952, Government has decided that the representatives from urban areas would be chosen by indirect election by members of the municipal committees in the area, and would not exceed 1/5th of the total number of councillors. The Sabha elects from its own body or from other persons residing in the Janapada area and

qualified to be a councillor, a Chairman and a Deputy Chairman. The Act of 1948 prescribed six Standing Committees for every Sabha viz., (1) Finance Standing Committee, (2) Public Works Department Standing Committee, (3) Public Health Standing Committee, (4) Education Standing Committee, (5) Agriculture Standing Committee, (6) Development Standing Committee. But on the recommendation of the Janapada Enquiry Committee the Government reduced the number of these Committees to four and redistributed among these four Committees the various duties ; it also appointed another Committee called Administrative Committee. These have been given wide and, in some cases, final powers. The Janapada Sabha lays down policies while the Executive Administration is in the hands of Standing Committees assisted by relevant departmental officers. A Janapada Sabha can appoint other Standing Committees and some have done this.

The Executive Officer of every Sabha is appointed by the State Government and is an Assistant Commissioner or Extra Assistant Commissioner who is at the same time Sub-Divisional Officer and Sub-Divisional Magistrate for the tahsil concerned. Recently they have been invested with powers of a Deputy Commissioner and a District Magistrate and are called Additional Deputy Commissioners. Where work requires a separate Sub-Divisional Officer and Sub-Divisional Magistrate, he may also be appointed. In his capacity as SDO/SDM or ADC/ADM this officer is completely independent of the Janapada Sabha ; but in relation to subjects administered by Janapada Sabha he acts as its Chief Executive Officer. The Tahsildar of the tahsil is the Deputy Chief Executive Officer of the Sabha in addition to his being the Tahsildar. The Deputy Chief Executive Officer performs such duties of the Chief Executive Officer as may be delegated to him. Both the Chief Executive Officer and the Deputy Chief Executive Officer are directed to devote most of their time and attention to the duties of their office as specified in the Local Government Act 1948 ; but provision has been made that they may exercise other powers which the State Government may confer on them under the Revenue and Tenancy Laws, Code of Cr. P.C. and any other Acts. Broadly, the functions of the Chief Executive Officer and the Deputy Chief Executive Officer are to execute all orders and decisions

of the Janapada Sabha and its Standing Committees, guide and control the staff, and act as the channel of correspondence from the Sabha to the State Government. The C.E.O. had in the beginning powers to make all appointments, carrying a salary of not more than Rs. 50 P.M. ; but as a result of the recommendation of the Janapada Enquiry Committee, Government has now given power of appointment and transfer of all servants to the Administrative Committee. The power to take disciplinary action remains with the Chief Executive Officer with the right of appeal to the Deputy Commissioner or other authority as the case may be. The Chief Executive Officer has been assigned many normal duties under the Act and also some emergency duties. He may speak in the Sabha or the Standing Committee but has no right to vote. To make Janapada territories more viable Government has grouped two or sometimes three Janapadas for purposes of the Chief Executive Officer's charge ; but for every minor Janapada there would be a separate Deputy Chief Executive Officer (being a Tahsildar) and though he is in the general subordination of the Chief Executive Officer, many duties of the Chief Executive Officer have been delegated to him so that he may carry on day to day duties properly and expeditiously. To meet public convenience and to maintain personal contact with the members of the Janapada Sabha and to keep in touch with the affairs of the Janapada the Chief Executive Officer spends prescribed number of days in a month at the headquarters and in the interior of the minor Janapada. The provision of the Chief Executive Officer is of great importance and is based on the principle, followed in corporations, that the executive authority and the staff should be independent of the deliberative body so as to secure efficient and impartial execution of the policies and decisions of the deliberative body.

Though the Janapada Scheme intended to abolish administrative dualism, at present such dualism does exist. But the approach is different from the approach to the district councils and local boards. All subjects have been assigned to the Janapada Sabhas except revenue, police, and law and order and justice. The following are the detailed functions and duties assigned to a Janapada Sabha :

Establishment, management, maintenance, inspection of

schools ; village uplift ; construction of public wells, tanks and water works ; the supply of water, and the preservation from pollution of water for drinking, bathing and cooking purposes; establishment and maintenance of hospitals and dispensaries and other measures for public medical relief ; vaccination and control of vaccinators; prevention and combating of epidemics; administration of sanitary laws and regulations ; public health including food and drink ; registration of births and deaths ; welfare work and social hygiene ; establishment and maintenance of veterinary dispensaries ; improvement of livestock ; prevention and combating of animal diseases ; establishment and management of markets, rest houses, sarais and other public institutions ; weights and measures ; construction, repair and maintenance of roads and other means of communication ; works and buildings ; public ferries ; regulation of vehicular traffic ; vagrancy and relief of the poor, maintaining poor houses ; destruction of wild animals ; disposal of stray dogs ; cattle ponds ; relief on account of flood, earthquake and similar happenings ; public entertainments ; public cart stands and encroachments.

Discretionary functions are :

Drainage ; conservancy and sanitary conveniences ; development of cottage industries ; fairs ; agricultural shows and industrial exhibitions ; local pilgrimages ; discharged prisoners' aid societies ; roadside trees and gardens ; burial and cremation grounds and disposal of the dead. In addition, the State Government may entrust to the Sabhas its own functions specified in the schedule to the Act of 1948. These matters numbering 72 make an impressive list but so far such functions have not been entrusted. Where such functions are entrusted the Sabha will discharge these functions as an agent of the State Government and the latter will pay the cost. The idea is ultimately to evolve a single system of local administration.

To perform these functions the Sabha has its officers and servants. The Chief Executive Officer and the Deputy Chief Executive Officer are officers of the State Government and are paid by that Government. The Deputy Chief Executive Officer may also function as Secretary to Sabha in addition to his other duties ; otherwise the Sabha must have a Secretary. The

Sabha should usually have an Health Officer and an Engineer. The State Government has certain powers about the appointment and confirmation of these officers and sometimes it also loans the services of its own officers. Besides these, there are a number of junior servants, specially the large number of school teachers, vaccinators, compounders and cattle-pond keepers. Government has made rules regarding recruitment and qualifications of these officers. The power of appointment now vests in the Administrative Committee or the Sabha and the disciplinary control vests in the Chief Administrative Officer.

State Government has framed detailed rules regarding various functions and activities of the Janapada. There are rules for the management of Janapada schools, Janapada dispensaries, veterinary dispensaries, rules regarding roads, buildings and other works, and accounts rules, etc. All the departmental officials of the Government stationed in a Janapada area are to assist and advise the Janapada Sabha in the performance of its functions and duties and the Chief Executive Officer has administrative control over these officials and co-ordinates their work. This scheme is based on the principle that the legitimate purpose and function of all departments of the State Government is to supplement and assist local democratic bodies and not to supplant them.

To perform these enlarged duties and functions Janapadas have been allowed wider and more elastic sources of revenue than the district councils were. These are :

1. Compulsory cess, payable at the rate of 18 pies per rupee for every *Malik-Makbuza*, holder of survey number, rent free land or the tenant.
2. Additional cess at the rate of 12 pies per rupee on the same persons. On the recommendation of the Janapada Enquiry Committee the additional cess has been abolished and the rate of compulsory cess has been fixed at 30 pies per rupee.
3. Special school rate on non-agriculturists. For this rate a professional tax on income from non-agricultural sources has been substituted.
4. Fees from public markets.
5. Fees and charges from cattle ponds.

6. Tolls on vehicles, pack animals and porters bringing goods for sale in the market ; market fees ; licence fees; and fees on registration of animals sold in markets. All these monies are recoverable as if they were arrears of land revenue.
7. Rents and profits from extra municipal nazul lands.
8. All contributions to the Janapada from whatever source, including local bodies and private persons.
9. Five per cent of land revenue collected in the Janapada area. Government has agreed that where the land revenue is not substantial and the forest income is more, some contribution from general revenue after considering the forest income of a Janapada will be paid to a Janapada.
10. Miscellaneous receipts such as school fees, receipts from the sale of rubbish etc.

Besides these sources of revenue available to a Janapada Sabha, State Government gives very liberal grants and subsidies. They are given for a variety of reasons but are mainly made to assist the Janapada Sabha in the maintenance of various services. There are grants for voluntary primary education, for compulsory primary education ; grants for raising minimum basic pay to Rs. 30 per month ; grants for compensatory cost of living allowance ; grants for girls primary schools and aboriginal schools ; grants for adult schools, for secondary education, for Sanskrit pathshalas, for agricultural classes and for village public libraries ; grants for new primary schools ; grants for public health and medical activities ; grants for costs of medicines etc. ; (Janapada pays the salary of compounders and Government pays the salary of medical officers) ; grants for veterinary dispensaries. Besides these grants there are general purposes grants. There are, of course, separate subsidies and special grants for individual schemes. Indirectly a large number of Government servants are on Janapada duties and this constitutes concealed subsidy. The District Officers as well as Heads of Departments also scrutinize many schemes of the Janapada Sabhas and give expert advice.

On the whole the Janapada Sabhas have not tapped their taxation sources to the full and, therefore, do not perform many duties which have been listed as their functions and even

those that they perform are not well done because of lack of money.

The Janapada Sabhas exercise general powers of inspection, supervision and control over the performance of the administrative duties of the Gram Panchayats within the Janapada area and can by special majority reverse or vary or alter a resolution of a Gram Panchayat. Somewhat similar powers of inspection, supervision and control are exercised by the Janapada Sabha over the municipalities and notified area committees within its area ; and when the municipality or notified area committee defaults in performing its duties the Sabha may complain to the State Government who may authorize the Sabha for performing those duties or transfer those subjects to the Sabha for a prescribed period. In that case the Sabha may perform those duties and charge the cost to the municipality. A Sabha may also take joint action or provide joint services in arrangement with municipal committees and notified area committees within its area ; and the State Government can even combine several Sabhas or other local authorities for the purpose of certain services. The Janapada Sabha, therefore, is the overall authority in the Janapada area and other local bodies whether municipal authorities or rural panchayats function under its general supervision.

The State Government and the Deputy Commissioner have more or less the same sort of general control over Janapada Sabhas as they had over district councils now abolished. The whole scheme of Janapada administration is conceived by the State Government, and the State Government also frame detailed rules and instructions for the guidance of the Janapada Sabhas. The Deputy Commissioner of the district can inspect any works, property, documents, statements and accounts if he so desires. He has the power to suspend the execution of any resolution or order passed by the Sabha or its authorities, if he thinks that such resolution or order is illegal or against public interest, safety, health and convenience or that it may cause breach of peace or is a measure of extravagance. Similarly he may prohibit the issue of a licence or permission granted by the Sabha. The State Government has power to perform any duties of the Sabha if the Sabha defaults to do so and charge the cost to the Sabha's fund. Similarly



in case of an emergency the State Government may perform a duty of the Sabha if it may be necessary to do so immediately. The State Government can for good reasons such as incompetence of the Sabha or its persistent defaults in the performance of its duties or abuse of its powers, may supersede the Sabha and thereafter may reconstitute the Sabha or appoint an administrator.

Apart from these powers of the Government and the Deputy Commissioner, the Deputy Commissioner of the district concerned is expected periodically to inspect and review the work of the Janapadas and provide them guidance, be their friend, philosopher and guide. The Deputy Commissioner has the right to attend and address the Sabha meetings and certain correspondence of the Sabha to the Government may go through him or copies of it may be endorsed to him.

The Janapada scheme of the Madhya Pradesh Government is a very bold experiment in the field of local self-government and, in fact in local government as such. In its final shape the scheme is conceived as abolishing administrative dualism and creating a single system of local administration to which all functions of Government would ultimately be assigned. Secondly, its area has been fixed as the tahsil or the taluk for this is considered convenient for the intensive welfare activities of the Government which must now reach down to every village. The scheme, therefore, is both a measure of self-government as well as decentralized administration. This is extending the democratic set-up to a region which has been purely a field of bureaucracy, and is intended to bring out local initiative, local knowledge, local patriotism, and local resources for the furtherance of welfare activities. Administratively it contains several well-tried features of a corporation. There is division of work between the Janapada, the Standing Committees and the Executive. The executive has been made more or less independent for better execution of the policies of the Janapada authorities. Also local departmental officers of the State Government have been made available to the Janapada authorities for carrying out appropriate duties ; and the local officer of the relevant department is Secretary of each Standing Committee. The scheme removes several defects from which district councils suffered, viz., an unwieldy area,

legislative and executive functions being concentrated in the same body, efficient and expert staff not available, a very limited number of subjects assigned and inadequate sources of revenue. Government intended further to make the tahsil or the Janapada area as the unit of administration (in place of the district) for all purposes even with regard to those subjects which the Government has retained under its control for the time being. For this purpose the Chief Executive Officers were created Additional Deputy Commissioners with administrative control over other Government departmental officers serving in the Tahsil and the Deputy Commissioner was conceived as performing functions which formerly were performed by the Divisional Commissioner.

These objects have not so far been realized and the present picture of Janapada administration is not very different from that of a district council. The Janapadas have not become units of administration ; the district still remains the unit of general administration. Even in regard to nation-building subjects, which have been assigned to the Janapada authorities, the scope, extent and nature of the activities of the Janapadas is not different from those of the old district councils. The Janapada Enquiry Committee Report passes the following verdict on the working of the Janapadas :

“But the overall position of the Sabhas still remains unsatisfactory. Even in respect of traditional duties such as education, medical aid, water supply and public health, there is still a very great ground to be covered. At present we have got one school for every six villages. In the case of medical aid the position is extremely difficult. We have in all 440 dispensaries (including 207 Ayurvedic). This comes to one dispensary for every 110 villages or one dispensary for an area of 283 square miles. The expenditure on medical aid comes to about 5.4% of the total income including the grants. The number of patients who attended these dispensaries is shown to be about 16% of the total population. In the matter of water supply also the position has not been happy. In spite of State Government's decision to pay grants to Janapada Sabhas equal to half of the cost of the construction of wells, no appreciable progress has been made in the sinking of new wells for supplying water to the rural areas for

which need is imperative. In all the three years only 16 wells are reported to have been completed against 177 number of wells for which grant was paid by Government to 45 Janapada Sabhas. In respect of maintenance of roads and other public building work the position is still worse. Most of the existing village roads have not been attended to. The already poor means of communication have been badly neglected. There are 1197 school buildings in Central Provinces and Berar which need construction and repairs at a total estimated cost of Rs. 3948216. Similarly, there are about 1247 cattle pond buildings which need immediate attention. The Janapada Sabhas have not been able to attend to these regular duties properly. In the matter of optional sphere also, their performance has been poor."

The Janapada experiment is so important and so full of significance for the whole of India that it is worthwhile to analyse the reasons why so far the expectations have not been realized. This analysis is subject to the consideration that the scheme has had not sufficiently long time to prove its worth.

The main and basic reasons why higher standards of achievement in public activity have not been attained are two, both reasons being two aspects of the same principle, viz., that every scheme has to be worked and as in the case of the machine so in the case of constitutions, it is the man behind the constitution as the man behind the machine who matters. The first reason is apathy and inability displayed by the councillors. The Janapada Enquiry Committee says :

"An institution of such democratic nature must depend for its success on the character, unselfishness, and sense of civic duty of the members composing it. Laws and rules are helpful. But the real force and drive must come from the people." Shri Rajagopalachari, the then Governor General of India, made the following shrewd remarks in respect of the Janapada Act in a speech he made at Nagpur in 1948 :

"The fundamental of democracy is character. If the authority has to be transferred to the bottom it entirely depends for its success on individual character."

The Janapada Enquiry Committee refers to "the apathy and inability displayed by the councillors", which acts as a stumbling block to the proper performance of the functions of

the Janapada Sabhas". "This is clearly shown by figures of number of meetings of Janapada Sabhas and various Standing Committees that were adjourned for want of quorum during the past three years. In the first year the Janapada Sabhas started well and the number of meetings of Janapada Sabhas adjourned for want of quorum was only 7.5 per cent in Central Provinces Janapada Sabhas, 5 per cent in Berar and 7 per cent in merged areas. In 1951-52 the number rose to 22 per cent in Central Provinces, 33 per cent in Berar and 30 per cent in the merged areas. In the case of Standing Committees the position has been worse. The Finance Standing Committee which is the most important Committee and has to deal with all financial matters had a very large percentage of meetings adjourned. In the first year the percentage was 18.5 in Central Provinces districts, 20.2 in Berar and 24.4 in merged areas. In 1951-52 there was a sharp rise in the number of meetings adjourned for want of quorum and it was 35 per cent in Central Provinces, 33.7 in Berar and 52.56 in merged areas".

The second reason is unwillingness of the Janapadas to impose taxes. They have been deliberately given greater sources of revenue than the district councils had ; but the Janapadas' financial position remains bad. Some of them have been eating into balances which they received after the distribution of the assets of the old district councils. In the State as a whole, grant from Government constitutes 53.7 per cent of the income of the Sabhas. It is obvious that the Janapada Sabhas have not taxed locally to provide increased local services as was the intention and expectation of this scheme.

From this latter point of view, a local self-governing body performs no useful function if it merely relies on central taxes collected centrally and given to it, for in that case it calls forth no new resources nor promotes any activity which the Central Government could not otherwise perform through its departmental officers.

To be useful, therefore, a local body can help in three ways :

1. Planning, for it knows more of local needs than a Central Government may or its officials may know.
2. Execution.
3. Local resources in the form of money and labour.

In the first field, namely that of planning, not much effort is needed specially as there are so many obvious needs in this country like ordinary dispensaries, schools, veterinary hospitals, sanitation and conservancy schemes and other schemes of national welfare. The location of hospitals and schools, etc., can be decided easily because for some time there is no danger of overlapping, so few are the conveniences. Even local government officers during their tours find out these things. In the field of execution, local people or their representatives can exercise very remote supervision for execution is done mainly by technical staff like engineers, doctors, vaccinators and inoculators, etc. It is really in the third field, viz., in providing new additional resources in money and labour to finance and sustain new and increased welfare activities that the local representatives can play a vital part which will really supplement Central Government's activities. Local representatives are appropriately fitted for this, for the money which they raise locally is spent locally, achievements are visible to the people and they meet their needs and nobody else's. On this ground local self-government is greatly to be desired and has a very vital and almost indispensable place in the welfare state ; but this has to be DONE by it. Like old district councils, the Janapadas have so far not shown much activity in this field. The real test of the utility of the local self-government, therefore, will lie in this field. In the interest of their own people, local representatives must to some extent and to begin with displease the local people by taxing them ; but this displeasure will soon be converted into satisfaction when services are provided and concrete results are visible which will help the local people in living better and meeting their essential needs.

The Janapada Enquiry Committee has suggested certain changes in the scheme. It is of the opinion that too much concentration of administrative power in the Chief Executive Officer has created a sense of frustration in the councillors. And on its recommendation the Government has decided that the Chief Executive Officer will be removable by 2/3rd majority of the Sabha and has created an administrative committee in which have been vested the power of appointment and transfer of all servants. This whittles down one of

the principles on which the scheme was originally based. At the same time to ensure freedom of officials from party consideration, the Enquiry Committee suggested setting up of Local Body Services Commission for recruitment of Janapada officials. While appreciative of the fact that Janapadas have not tapped all financial resources available to them and the grants which Government makes were already very liberal, the Enquiry Committee suggested further grants including a share in the land revenue. The State Government has generally accepted these recommendations. The Committee has insisted that the Chief Executive Officers should devote more of their time to Janapada work than they have so far done and so should Deputy Commissioners. It is also suggested that fixed standard uniform scale of pay and uniform conditions of service should be applied to lower grades of Janapada servants and should be the same as of Government servants of equal standing. These employees of the Janapadas should also be properly trained. While it has been admitted that the Janapadas have not performed their ordinary duties successfully nor have done much about discretionary duties, the Committee has recommended that there should be liberal entrustment of functions of the State Government to the Janapadas on the ground that the basic principle underlying the new reforms was to decentralize the powers of a State Government and to make the Janapada a self-contained unit of administration instead of the district as at present. To counteract the apathy of the councillors, the Committee has recommended a daily allowance for their official journeys. For performance of certain functions the tehsil has proved to be too small an area, e.g., the maintenance of roads and the Committee has recommended that some arrangements be made which will facilitate the execution of such functions.

The scheme is still an experiment and it is to be very much hoped that it will have not only extended the area of self-government but would have also produced an appropriate local machinery for giving effect in concrete terms to the concept of a welfare state.

## ***Union Boards***

Union Boards are a feature of rural local self-government in the States of Bengal and Bihar. They have to be carefully distinguished from Chowkidari Panchayats and the Union Committees. In the beginning Chowkidari Panchayats were set up in the old province of Bengal under the Village Chowkidari Act of 1870. This Act was extended to other provinces also. The purpose of this Act was to make arrangements for watch and ward in villages. They still exist in some places, the reason being that some of these Chowkidari Panchayats or Panchayat Unions have not enough resources and have not, therefore, been converted into Union Boards whose functions are Chowkidari, Public Health, Sanitation and Education, etc.

A number of villages are grouped together to form a Panchayati Union or a Chowkidari Panchayat and members are elected by the inhabitants of the local area. Their function is to provide for watch and ward in the villages in their charge. The District Magistrate determines the number of Chowkidars to be employed in a village. Usually there is one Chowkidar in a village. To pay the salaries of these Chowkidars which are fixed by the District Magistrates, the Panchayat imposes an assessment every year in each village equal to the amount required for the pay and equipment of the Chowkidars together with 15 per cent above such amount in order to provide for payment of the expenses of collections and losses



from non-realisation of the rate from defaulters. This assessment is made according to the circumstances and property of individuals. The District Magistrate has controlling power on this assessment. The Panchayat nominates a person to be a Chowkidar but the power of appointment and dismissal of a Chowkidar vests in the District Magistrate. This power is usually delegated to the S.D.O. and sometimes to the S.P. and sometimes Circle Officers are so authorised. The Panchayat exercises a general control over the Chowkidars. The detailed duties of the Chowkidars are : Watch and ward in the village concerned ; to give information to the officer incharge of the police station concerned of every unnatural, suspicious or sudden death and of certain offences like murder, culpable homicide, rape, dacoity, robbery, theft, house breaking, counterfeiting coins, causing grievous hurts and rioting etc. ; to keep the police informed of all disputes likely to lead to any riot or serious affray ; to arrest proclaimed offenders, any person committing certain offence in his presence and any person against whom a hue and cry has been raised of his having been concerned in such offence and convey such persons to the police station ; prevention of crimes ; to report movements of all bad characters to the police and also the arrival of suspicious characters in the neighbourhood ; births and deaths ; to supply local information as the District Magistrate or the Police Officer may require ; to assist the Panchayat in collection of rates and generally to obey orders of the Panchayat ; and generally to help the police and private persons in apprehending criminals and suppressing crime. The District Magistrates and the Divisional Commissioners have extensive powers of supervision and control over these Chowkidari Panchayats. The State Government frames rules for the guidance of the Panchayats.

As these Chowkidari Panchayats were concerned exclusively with watch and ward, need was felt to create another machinery for municipal and welfare activities in rural areas. Separate local authorities called the Union Committees were created by the Bengal Local Self-Government Act of 1885 with jurisdiction over an area of about 12 sq. miles. They worked in subordination to the District Board and exercised control over cattle pounds, village roads, sanitation and water supply and were depending mainly on District Board for funds.

These two bodies were functioning in the same area—one Chowkidari Panchayat and the other Union Committee. This arrangement was found unsatisfactory ; the functions of the two bodies overlapped in various respects and therefore funds were inadequate to produce satisfactory results. The District Administrative Committee, therefore, recommended in 1914 the establishment of a network of village authorities which should combine the functions of Union Committees and Chowkidari Panchayats and also form the village judiciary.

Consequently the Union Boards were set up in Bengal under the Bengal Village Self-Government, Act, 1919 and in Bihar under the Village Administration Act, 1922. Thus Union Boards may be conceived as old Chowkidari Panchayats whose functions were expanded to cover certain welfare, health and education activities and which were provided with increased sources of revenue. In areas where a Union Board was set up, the Chowkidari Panchayat or the Union Committee ceased to exist and its properties, funds and dues were vested in the Union Board. A district is divided into local areas by the State Government and such local areas are notified as Unions (very broadly speaking a Union may comprise 5 to 25 villages with a population of 4,000 to 10,000 persons). A Union Board is constituted for every Union and members of the Board are elected by the inhabitants of the area. These members elect a president and a vice-president. The Union Board has all the Chowkidari functions which a Chowkidari Panchayat under the Act of 1870 had. The District Magistrate appoints Dafadars and Chowkidars on the recommendation of the Union Board and he has also disciplinary powers including dismissal. These powers are usually delegated to the S.D.O. or to the S.P. or both or sometimes even to the Circle Officers. Sometimes a Union Board exercises powers of punishment including dismissal subject to the sanction of the District Magistrate. The District Magistrate determines the number of Dafadars and Chowkidars to be employed by the Union Board and also fixes their salaries. The duties and powers of the Dafadars and Chowkidars are the same as those of Chowkidars in a Chowkidari Panchayat, though a few more powers have been added, but the Union

Board has other functions as well. They are laid down in Chapter IV of the Bengal Village Self-Government Act, 1919. They are : Provision of sanitation and conservancy services ; prevention of public nuisances ; special sanitary and conservancy arrangements at fairs and *melas* ; drainage works and other health works ; registration of births and deaths ; services of processes through Chowkidars ; reporting of epidemic diseases among men and cattle ; cleansing and scavenging work ; provision of water supply ; construction, repair, maintenance of tanks and wells etc. ; control of bathing and washing places ; construction, repair and maintenance of roads and union bridges ; lighting ; cattle pounds ; establishment, management and control of dispensaries ; primary schools ; prohibition of certain offences and dangerous trades without licences. Some of these duties are obligatory, others are optional. Besides, the District Board or Local Board may, with the consent of Union Boards, make over to a Union Board the management of any institution or the execution of any work or duty within the union area ; in this case necessary funds will be placed at the disposal of the Union Boards by the District Boards or the Local Boards. It would thus be evident that the Union Boards are charged with functions and duties in regard to health and sanitation ; medical services, public works, education and public safety and public convenience. To carry out these duties a Union Board imposes yearly a union rate which is an assessment according to the circumstances and property within the Union of the persons liable to assessment. Poor people are exempted from assessment and there is also an upward limit of total assessment on an individual. The District Magistrate has controlling powers over assessment. The Union Board may also levy an educational cess and a tax on trade and professions. There are receipts from ferries and pounds, receipts from fines and fees, contributions by the District Board, Local Board and the State Government. The rate is levied to pay the salaries and equipment of Dafadars and Chowkidars, the salaries of union establishment and to meet expenditure on the execution of the duties assigned to the Union Board.

A Union Board has usually a Secretary, though sometimes the services of a Secretary may be shared by more than one

Union Board. He is an employee of the Union Board and, in addition to his pay, usually gets a percentage of the collections he makes. There is no ban on a Secretary cultivating his own land.

The Union Boards are divided into three categories : 1st class, 2nd class and 3rd class. Those boards are accorded 1st class which regularly collect their dues, pay Chowkidars' salaries and spend a good sum on public utility work. The 1st class Union Boards are usually given judicial powers. The other two classes of the Union Boards are determined on the basis of the collections and good public work.

The Divisional Commissioner, the District Magistrate and the District Board and sometimes even Local Boards exercise various types of control and supervision over the Union Boards. The District Board superintends the administration of Union Boards within its area ; similarly superintendents may be exercised by the Local Board. Divisional Commissioner, District Magistrate, Sub-Divisional Magistrate, Circle Officer and the Chairman of the District and of the Local Board inspect the proceedings of the Union Boards and have access to their books, proceedings and reports ; they have also powers to inspect Union properties and Union works. If a Union Board may fail to pay the salaries of Dafadars and Chowkidars or to provide them with necessary equipment, the District Magistrate may perform these duties and may collect dues for this purpose. If a Union Board makes a default in performing some other duties, the District Board may get these duties performed and charge the cost to the Union Board's fund. The District Magistrate or the District Board may suspend the execution of order or resolution of a Union Board if the District Board or the Magistrate thinks that it is against public interest or likely to cause breach of peace. The Commissioner may dissolve a Board for incompetence or persistent default in the performance of its duties and may reconstitute the Board or the Commissioner may supersede the Board. He may similarly remove the President of the Board. The detailed supervision and control is however exercised by the Circle Officer. It is the main duty of the Circle Officer to inspect and guide the Union Board in his circle. He checks the assessment, inspects Union records and funds, selects sites for tube-wells, etc.

makes recommendation in matters of appointment and dismissal of Chowkidars to the S.D.O. and is responsible for election arrangements. He inspects regularly every Union Board in his charge. The Union Boards send a number of reports to the Circle Officer periodically.

Apart from its police, municipal and administrative functions, the Union Board has also judicial functions if it is vested with the judicial powers. The State Government may constitute a Union Bench, consisting of two or more members of the Union Board. The Union Bench tries petty criminal cases. The State Government may similarly constitute a Union Court consisting of two or more members of the Union Board. The Union Court tries petty civil cases. No advocate, legal practitioner or person declared to be a tout is permitted to appear before the Bench or the Court and the Bench or the Court is not bound by usual procedure binding on other courts of law.

There are no appeals from these Benches and Courts except that in case of Union Benches the District Magistrate or the Sub-Divisional Magistrate may cancel or modify any order of conviction or of compensation made by the Union Bench or direct retrial of any case by a court of competent jurisdiction subordinate to him, if he is satisfied that a failure of justice has occurred. Similarly there is no appeal from an order of a Union Court, but the District Judge may cancel or modify the order of the Union Court or direct a retrial of the suit by the same or any other Union Court or by any other court subordinate to him, if he is satisfied that there has been a failure of justice.

The Union Board keeps a number of records and registers in connection with its work. But of particular note is the permanent record which gives necessary information about the area of the Union Board. In view of the fact that there are no Patwaries, revenue inspectors and Tahsildars in Bengal and Bihar and no system of village land records, this record assumes some importance as filling the gap, though to a very limited extent. The permanent record gives the names of the villages, number of houses, area of the Union Board, and population ; lists of village roads, of village markets, of mosques, temples and churches ; of mills and factories ; of

various licence holders ; lists of village ponds, tanks, wells and tube-wells, of cattle pounds, ferries, fairs, of primary schools and of charitable dispensaries and hospitals ; lists of physicians, vairs, hakims and midwives etc. There are lists of officials and there is every information including births and deaths. The board keeps a map of its area. Thus some important information is available at the Union Board's office about its area. To every Union Board is attached an agricultural assistant who maintains certain registers including the Union note-book and sends several periodical reports of his department, mostly about agricultural conditions obtaining in his charge. He, therefore, to some extent further fills the gap which exists in Bengal and Bihar with respect to information about rural life because of the absence of land records. The Union note-book gives agricultural information village-wise. The Union note-book does not contain plot-wise information and is not a substitute for Patwari's records. It however gives the following information for every village : area culturable and non-culturable, culturable waste, fallow lands, ponds and paths ; schools, population, and some other information which would be found in the permanent record kept by the Union Board. The note-book also gives details about irrigation facilities including the number of wells. Though all Union Board's note-books are not kept up-to-date, it is expected that changes will be shown in the books. To gather this information the Agricultural Assistant visits the villages ; but there is no plot-to-plot examination and most of the information, which is available from Patwari's records in other states, is not available in Bengal and Bihar. The only report which is well done is the seasonal crop report. This is usually submitted three times for a crop, the first being the preliminary forecast, second forecast about the intermediate and third forecast at the harvesting stage. The Agricultural Assistant is expected to see every plot and mark in his note-book the crop standing there and to prepare his crop report with reference to the crop cutting experiment. These reports are sent to the Agricultural Inspector and then to the District Superintendent of Agriculture and to the Sub-Divisional Superintendent. These reports are not submitted to the S.D.O. or to the Collector but they can obtain this information if they so desire. The



Union Agricultural Assistant keeps other registers about his departmental work and since the grow more food campaign has been launched several other reports are submitted by him like the monthly progress report of small irrigation schemes, monthly progress report of pumping plants and monthly report on grow more food campaign. The information available at the Union Board's office about the local area has therefore some importance as being the only source of this information ; but this cannot compare with the information available from land records kept in other states. The statistics are not collected nor information gathered so systematically by Union Agricultural Assistant as by Patwaris elsewhere, nor in its extent and scope it comes anywhere near to the information available in Patwari's records.

The Union Boards functioned for a long time and have done some good work in the Bengal and Bihar villages. But the extent and value of this work has been limited because of the poor finances of the Union Boards. An examination of the budget of a number of Union Boards would show that most of their incomes were eaten up by the Chowkidari work which they had to perform and very little was left for health, public works and general welfare activities. It was suggested that if these latter duties were to be performed satisfactorily by the Union Boards, the financial burden of the Chowkidari functions should be lifted from them.

Both in Bengal and Bihar villages Panchayats are now being set up and this has affected the set up of the Union Boards as established by the Village Self-Government Act, 1919, amended by Act VIII of 1935 and Act X of 1945. In 1953, there were 1785 unions created under the Bengal Village Self-Government Act, 1919 covering roughly 33,000 villages out of a little over 34,000 villages in West Bengal (excluding Cooch Bihar). On an average there were 19 villages in each Union. The new Panchayat Scheme envisages a smaller area ; its aim is to stabilize an area which is viable and yet compact. A single village as defined in the Bengal Tenancy Act would prove too small an area and both in physical resources and human material locally available will prove inadequate to run local government. The scheme therefore envisaged a unit



which would roughly cover an area of about 7.5 sq. miles and a population of 4,500. Such an area would roughly cover 8 to 10 villages. In fact there would be two Panchayats where there was one Union. When local self-government in rural Bengal was organized on this new pattern of rural Panchayats the Union Boards were abolished. Panchayats therefore constitute the fourth successive experiment in rural self-government in Bengal; Chowkidari Panchayat, then Union Committee, thereafter Union Boards and now Panchayats.

The Union Boards have to be carefully distinguished from Union Committees. Unlike the Union Boards which were established in Bengal and Bihar under separate Acts, the Union Committees are constituted in both States by the same Act by which District Boards are constituted, namely the Bengal Local Self-Government Act of 1885 and the Bihar and Orissa Local Self-Government Act of 1885. The two Acts, of course, are identical except for some later amendments. Union Committees have been constituted under Section 38 of the Act. These are subordinate committees of the District Boards and its local agents. The members are elected and the committee elects a Chairman. The Union fund consists of all sums assigned thereto by the State Government or the District Board towards the construction and maintenance of village roads and other purposes, and all other sums received by the Union Committee in the execution of its duties. If the income of the committee from these sources is not sufficient to meet the expenses in connection with sanitation, drainage and conservancy of the villages within the Union, the committee has power to impose on the owners of buildings, tanks or water courses or the occupiers of such buildings within the Union such assessment as may be required approximately to meet the deficiency together with 10% above such sum to meet the expenses of collections and losses due to non-realisation from defaulters etc. The upward limits of such assessment on any person are limited. The functions of the Union Committee are those which are delegated to it by the District Board and more or less are the same in nature as the functions of the Union Board, though the functions of the latter are more extensive. The Union Committees have no Chowkidari

functions. District Board controls, supervises, and inspects the work of the Union Committees and the Divisional Commissioner and the District Magistrate have the usual powers over them. As mentioned above on the establishment of Union Boards which combined the functions of Chowkidari Panchayats and Union Committees, the Union Committees were, with a few exceptions, abolished.

Union Boards were superseded in 1956 and a three-tier system was set up under the W.B. Panchayat Act, 1957. Bodies set up under this Act were also superseded by 1971 and under the W.B. Panchayat Act, 1973 a two-tier system of local bodies is envisaged.

## ***Village Panchayats***

Village Panchayats are the most enduring form of self-government in India. It is not an exotic plant but a native one. This form of self-government has functioned effectively for centuries and when it is being revived on a statutory basis now, it is worthwhile to analyse its character as in ancient and medieval times, and to note under what conditions it flourished and to what extent those conditions exist at the present time. The first important thing to note is that the earlier Panchayats were not elected in the way in which election takes place now. The members of those Panchayats were village elders whose authority was accepted by the consensus of general public opinion in the village. There were no election disputes or election tensions nor animosities which are aroused by elections these days. Secondly, their authority was based not on statute changing from time to time, but on tradition and had the sanction not so much of Government but of religion. In respect of these points the modern Panchayat, though called by the same name, is somewhat different from the earlier Panchayat. In ancient and medieval times the strength of the Panchayat was based on the political, economic and physical features, most of which not existing now. In those times, the village was economically and socially a self-contained and self-sufficient unit. It raised its food crops as well as other crops for its requirements ; it wove its own cloth and all essential services were provided by the village on a hereditary

basis and the mode of payment was in kind.

In modern times this self-sufficiency has been broken. Every village need not raise its food crops or other requirements ; the village is linked up with the world market and may find it advantageous to raise commercial crops depending for requirements of food on outside areas. Even in the matter of village services there is now a cash nexus, though payment still continues to be made in some cases in kind. Any village servant may now leave the village or his profession and may go to another village and may take up another profession if it promotes his economic interests. The village can now easily buy its requirements wherever it may find it advantageous. The most distinguishing feature of ancient and medieval times was lack of communications. This isolated the village from the rest of the world and strengthened its economic and social self-sufficiency and self-containment. Now there are roads and railways, transport of all kinds, post and telegraph, newspaper, and a number of people coming and going out on various kinds of business. The isolation of the village is broken and so the basis and need of self-sufficiency is also broken. This has made labour mobile, while in ancient and medieval times immobility of labour was a great factor. Then, in ancient and medieval times the impact of Government on village life was for various reasons the minimum ; it was a government that administered least and touched village life at minimum points. Life was usually governed by general rules of equity and good conscience, common law and local customs ; king's legislation touched the society least. Government officials were few and far between. Now we are in an age of positive government where government action and government officials impinge on many points of rural life and the legislative field has greatly extended and seeks to regulate even minor details of life. Many village officials have been taken on government pay rolls and there are such intruders as the beat constable, canal official, the health inspector, and above all the process of courts. The village accountant and the school teacher who were traditionally village servants are now government officials. With this intrusion not only the political isolation of the village is broken but also the authority of its elders and its Panchayat.

These factors together with new education have promoted the growth of individualism and this has adversely affected the joint family system which engendered the spirit of obedience and co-operation. The old village was conceived as a family and even when outsiders were living there, the fiction continued. The village administration was a matter of family administration to be done by its elders. Even now the daughters of a village are treated as daughters of all the inhabitants of that village, and the fictions of the family village was carried to such an extent that men and women of different castes were styled as uncles and aunts. In brief, while in ancient and medieval times the village lived its own life away and free from external, political, social and economic forces, it necessarily managed its own affairs and only the village panchayat could do it. The relation with the government was remote and confined to general protection of life and property and general support in the enforcement of well recognized social rules which government shared with its people. In return the villages paid the government the revenue. In medieval India the panchayats continued and indeed got strengthened because their relationship with the government changed. Kingdoms were set up the rulers of which did not share the same religious and social ideas with the people; and the panchayat became in addition to positive administrative machinery a defensive against hostile external forces. Indian villages further withdrew themselves and lived their own life, hostile armies marched and a rapacious ruler might be close by and the village life might be disturbed for a while. But this could not be prolonged and the village resumed its normal life. In self-government the village found safety, security and stability and the only machinery of administration. The authority of the panchayat was obeyed because there was no alternative authority. Thus in medieval India the Panchayat was respected and obeyed not only because what it did for the village but also for what it prevented from happening to the village. When the hostile armies marched and hostile officials came, the village elders received them at a respectable distance outside the village. This was promoted not only by a desire to be respectful but also by a desire to keep them away. The village elders came to terms with the officials or

the army as to what was to be paid by the village and the village thus enjoyed security and safety behind the village elders.

Now the situation has changed. The rule of law is paramount and not the highest official of the Government can escape if he acts wrongly or illegally. Moreover, instead of being afraid of the Government, people expect Government and its officials to render them services and, indeed, instead of avoiding them they make journeys to meet them. When the contact with Government and its officials is easy, every person can advocate his interests and promote them and, therefore, the hegemony of the village is broken. Anyone can file a complaint or a criminal case in a court of law. A large number of schemes are undertaken in villages and numerous Government officials visit them. It is, therefore, easy to see that the modern Panchayat is not the same in its character and composition as the ancient and medieval Panchayat was; nor does the modern Panchayat function under the same conditions under which older Panchayats did. No one will question the soundness of the principle of village self-government for it takes self-government to the very homes of the people, and is an indispensable machinery for developmental and welfare activities; but this analysis would show that the matter has to be carefully thought out as to the lines on which village self-government can now be recreated. Before the present set-up of village panchayats is described, it may be worthwhile to quote here the following extract on the Panchayats from the Minute of Sir C.T. Metcalfe, dated the 7th November, 1830, for it gives a factual and historical account as to how village panchayats were functioning before the modern age impinged on village life, and also shows how shrewdly Sir Charles Metcalfe could foresee that certain new factors would tend to subvert the authority of the panchayats.

"The reason is that I admire the structure of the village communities, and am apprehensive that direct engagement for Revenue with each separate landholder or cultivator in a village might tend to destroy its constitution.

"The village communities are little republics, having nearly everything that they want within themselves, and almost independent of any foreign relations. They seem to last where

nothing else lasts. Dynasty after dynasty tumbles down ; revolution succeeds to revolution ; Hindoo, Patan, Moghul, Maharatta, Sikh, English, are all masters in turn ; but the village communities remain the same. In times of trouble they arm and fortify themselves ; an hostile army passes through the country ; the village communities collect their cattle within their walls, and let the enemy pass unprovoked. If plunder and devastation be directed against themselves, and the force employed be irresistible, they flee to friendly villages at a distance ; but when the storm has passed over they return, and resume their occupations. If a country remains for a series of years the scene of continued pillage and massacre, so that the villages cannot be inhabited, the scattered villagers nevertheless return whenever the power of peaceable possession revives. A generation may pass away, but the succeeding generation will return. The sons will take the places of their fathers ; the same site for the village, the same positions for the houses, the same lands, will be reoccupied by the descendants of those who were driven out when the village was depopulated ; and it is not a trifling matter that will drive them out, for they will often maintain their post through times of disturbance and convulsion, and acquire strength sufficient to resist pillage and oppression with success.

“This union of the village communities, each one forming a separate little state in itself, has, I conceive, contributed more than any other cause to the preservation of the people of India through all the revolutions and changes which they have suffered ; and is in a high degree conducive to their happiness, and to the enjoyment of a great portion of freedom and independence. I wish, therefore, that the village constitutions may never be disturbed, and I dread everything that has a tendency to break them up. I am fearful that a revenue settlement separately with each individual cultivator, as is the practice in the *ryotwar* settlement, instead of one with the village community through their representatives the headmen, might have such a tendency. For this reason, and for this only, I do not desire to see the *ryotwar* settlement generally introduced into the Western Provinces. The experienced advocates of that mode of settlement would, I believe, maintain that it need not produce that effect. It appears to me, however,



that it must tend to loosen, and ultimately dissolve the ties which bind the village communities together. Instead of all acting in union with a common interest as regards the Government, and adjusting their own separate interest among themselves according to established usage, each would have his separate independent arrangement directly with the Government and hardly fail to be thereby less linked with his brethren.

"The village constitution which can survive all outward shocks is, I suspect, easily subverted with the aid of our Regulations and courts of justice, by any internal disturbance, litigation, above all things, I should think would tend to destroy it.

"Where, from litigation and internal disputes, or other causes, the village constitution is impaired, with little or no hope of successful restoration, it seems to me that the best remedy for such a state of things is the introduction of that mode of settlement commonly denominated *ryotwari*; that is, a separate settlement with each owner of land in the village or where owners are not forthcoming, with each holder of land."

The era of statutory village panchayats must be considered to have started in right earnest in the early twenties of this century; various provinces passed Village Panchayat Acts. Amendments continued to be made to give effect to a progressive policy on this subject. The boldest legislative reforms came in the later forties. There has been a remarkable unanimity about the lines on which Village Panchayats should be developed; but there are small differences from State to State. In the new scheme of wide legislative reforms, the lead was given by U.P. where Panchayat Raj Act was enacted. Other States have followed this lead. The best plan will be to study the Panchayat Scheme in detail in one State and then to indicate variations as found in other States. It may be useful to select Bihar for this purpose because its Panchayat Raj Scheme is based on the U.P. Scheme which served as a model for other States and also it has registered certain improvements in the scheme.

The Bihar Scheme was established under the Bihar Panchayat Raj Act, 1947. For a village or a group of contiguous villages (usually three to four small villages), a Gram Panchayat

is established by the State Government by a Notification. The Gram Panchayat consists of all adults ordinarily residing in the village or villages, excepting certain people, e.g., of unsound mind etc. In U.P. and Punjab this is called Gaon Sabha. The executive functions of the Gram Panchayat are performed by an executive committee of which the head is known as the *Mukhia*. The *Mukhia* is elected by the Gram Panchayat from among its members. The *Mukhia* then appoints an Executive Committee from amongst the members of the Gram Panchayat ; ordinarily there are seven to fifteen members including the *Mukhia*. This is an important feature of the Bihar Scheme and ensures a cohesive, strong and efficient executive. The duties of the Panchayat are divided into compulsory and discretionary. The compulsory duties are : sanitation and conservancy ; medical relief and first aid ; supply of water and the cleansing and disinfection of sources of storage of water ; maintenance of accurate account of crop, animal, and vital statistics required by the Government ; control and prevention of epidemics and infectious diseases ; the maintenance and construction of public streets and protection of village roads and parks ; the reporting and removal of encroachments of public streets, public places and property vested in it ; the protection and repair of any building or property vested in it ; extinguishing and fighting fire, famine, burglary and dacoity ; management and care of uncultivated common lands, common grazing grounds, burning ghats and graveyards and land for the benefit of village people ; the execution of such measures in regard to rural development schemes as the Government may direct ; and protection and improvement of irrigation works in the village. Optional duties are : the lighting of public street ; primary education ; registration of births, deaths and marriages ; the making of complaints under the Child Marriage Restraints Act, 1929 ; planting and maintaining trees on the sides of public streets or any other public places vested in Gram Panchayat ; improving the breeding and medical treatment of cattle and the prevention of cattle diseases ; the construction of wells, ponds and tanks ; assistance to the development of agriculture, commerce and industry ; the introduction and development of co-operative farming, stores and other trades and callings ; the establishment and maintenance of

libraries and reading rooms ; maternity and child welfare ; the organization and maintenance of 'akharas', clubs, and other places for recreational games ; the allotment of places for storing manure ; radio sets and gramophones ; relief of the destitute and the sick ; the management of public ferries ; performance of certain functions under the Cattle Trespass Act ; the promotion of agricultural credit ; and of measures to relieve rural indebtedness and poverty ; filling of insanitary depressions and reclaiming of unhealthy localities ; the promotions, improvement and encouragement of cottage industries ; the destruction of stray and ownerless dogs ; regulating or abating of dangerous trades and practices and abatement of nuisances ; extension of village sites and village planning ; the construction and maintenance of *sarais*, *dharamshalas* and rest houses ; the disposal of unclaimed corpses, carcasses and unclaimed cattle ; encouragement of human and animal vaccination ; the construction and maintenance of public latrines and markets ; and any other work of public utility.

To enable the Executive Committee to perform these functions various powers have been given to it under the Act and control over public streets and waterways has been vested in it. The Committee has also been authorized to impose fines on persons disobeying its legal directions in the matter of execution of its duties. Besides, a District Board may delegate some of its functions to the Gram Panchayat ; in that case the Gram Panchayat will act as the agent of the District Board and the District Board will pay the cost. The Executive Committee may also enter into a contract in respect of its area with the Government or any local authority to collect all or any class of taxes or dues payable to Government or local authority ; it will in that case get a percentage of collection charges. The scheme thus envisages a very big field of activity for the Panchayat ; if, in fact, a Panchayat can perform these functions well, it can bring about a very great improvement in living conditions in its area.

To perform these functions, increased sources of income have been opened to the Panchayat. The Bihar Act has prescribed two compulsory taxes, one of them being a labour tax. This compulsory labour tax is a special feature of the Bihar Scheme. The labour tax involves the rendering of manual labour

to the Gram Panchayat by all able-bodied males between the prescribed age limits for a prescribed number of units of labour, the minimum being 12 units of labour during any one year. This shows the value of forced labour when democratically controlled. It is provided that a person assessed to labour tax may, instead of rendering manual labour, deposit in the Gram Panchayat fund, within two months after the commencement of the year for which the tax is assessed, a cash payment equal to the wages of labour calculated in accordance with the rate of wages prevailing in the village determined by the *Mukhia*. The other compulsory tax is a tax in cash at the prescribed rate payable by persons owning immovable property within the Panchayat's area. There are a large number of supplementary taxes which a Panchayat can levy. These are :

1. A licence fee on persons practising as professional buyers, brokers, commission agents, weighers or measurers.
2. A tax on professions, trades and callings other than agriculture.
3. A tax on vehicles, pack animals, and porters, bringing goods for sale in the village.
4. Fees on goods exposed for sale in any market or place belonging to, or under the control of, the Gram Panchayat.
5. Fees on registration of animals sold within the village area.
6. Fees for the use of *sarais*, *dharamshalas*, rest houses and encamping grounds vested in the Gram Panchayat.
7. A water rate where water is supplied by the Gram Panchayat.
8. A latrine tax where such arrangements are made by the Gram Panchayat.
9. A lighting rate where lighting of public streets, places and buildings is undertaken by the Gram Panchayat.
10. A drainage fee where such arrangements are made by Gram Panchayat.
11. A pilgrimage tax and any other tax—toll, fee or rate—approved by Government.

There are several limitations e.g., if a tax, toll, fee or rate

has been imposed by the District Board in the Gram Panchayat area, it will not be imposed by the Gram Panchayat, and where one tax is levied by a Gram Panchayat another of a similar type may not be levied. To the Gram Panchayat fund are also credited any other moneys which may be received by the Gram Panchayat like grants, donations, loans by Government or District Board or private individuals and other receipts accruing to Gram Panchayat in the execution of its duties.

For every Gram Panchayat the Government appoints a Gram Sevak who is in charge of the office of the Gram Panchayat and is responsible for the preparation of a programme of schemes and works to be executed during the year. The Gram *Sevaks* have been invested with certain powers to execute works if the Executive Committee fails to do them. The Panchayat may, of course, employ other servants for purposes of performing its duties under the Act. For general watch and ward and for meeting cases of emergency like fire, breaking of an embankment or dam, outbreak of an epidemic and occurrence of burglary or dacoity, the Executive Committee organizes a Village Volunteers Force called Gram *Raksha Dal* under the command of a Chief Officer, who is appointed by the Executive Committee, and all able-bodied males of the village between the ages of 18 and 30 years are members of this force. The Government makes general rules governing this force (In U.P. this force was known as Prantiya Rakshak Dal ; but was somewhat differently constituted). The chief officers of the force are trained at central camps and they in turn train the members of the force. The Gram *Sevaks* are also trained. The nature of the training given to them qualifies them to fulfil the rudimentary requirements of the villagers in the matter of improvement of agriculture, animal husbandry and public health. They are also trained in first aid nursing so as to be useful in case of accidents due to fire, snake-bite and drowning etc. They are also trained in inoculations and vaccinations of both men and cattle and in other measures necessary for the prevention and control of epidemics.

The District Board supervises the work of the Panchayats under the Panchayat Raj Act. It appoints a Gram Panchayat Committee which calls for and examines various returns, statements, estimates, reports and other information from

the Panchayats within their jurisdiction. A District Board can also, with the concurrence of the Gram Panchayat, delegate some of its functions to the Gram Panchayat. The District Board and its Gram Panchayat Committee may frame bye-laws under the Act. The Government frames bye-laws for certain purposes. The administrative control in the whole State is exercised by the Director of Gram Panchayats who is assisted by a Deputy Director of Gram Panchayats. There are three Divisional Organisers who are honorary workers and there is also an adviser to the Minister (L.S.G.) who is also a non-official. His main function is to bring about understanding between official and non-official agencies. In every district there is a District Panchayat Officer who is assisted by a Sub-Divisional Supervisor. There are two Instructors in each district for giving training to Gram Sevaks and the Chief Officers of the Village Volunteers Forces. The District and Sub-Divisional Officers are, of course, expected generally to supervise the work of Panchayats and assist them.

Apart from administrative and municipal functions, judicial powers have been conferred on the Gram Panchayats. For this purpose every Gram Panchayat establishes a Gram *Kechehri* consisting of a *panel* of 15 persons of the prescribed qualifications elected by the Gram Panchayat in the prescribed manner. Persons so elected are known as *Panches*. They from amongst themselves elect a *Sarpanch*. No *Mukhia* nor any member of the Executive Committee is eligible to be a *Panch*. The *Kechehri* has both criminal and civil jurisdiction. When a case or a suit is instituted before the *Sarpanch*, it is heard and determined by a Bench of the Gram *Kechehri* consisting of the *Sarpanch* and two *Panches* from the *panel* to be named by the respective parties to the case or suit. First the Bench tries to bring about an amicable settlement of the dispute, failing that it enquires into and decides the dispute. As usual, the Bench is not bound by the complicated procedure by which other courts of law are bound, though some rules are framed by Government in this respect. No legal practitioner can appear before the Bench. The Bench tries petty criminal and civil cases. The *Sarpanch* has also been given powers to call upon the parties

to a dispute which are likely to disturb public peace and to ask them to show cause why they should not be bound for keeping the peace for a period not exceeding 15 days. After the issue of this notice, the *Sarpanch* submits the case to the SDM.

No court takes cognizance of a case or suit which is cognizable by a Bench of the Gram *Kechehri* ; but a Magistrate or a Munsif has some powers of transferring a case or a suit. They may also cancel the jurisdiction of the Bench with regard to the case or the suit or quash any proceedings of the Bench at any stage, or cancel any order or decree passed by the Bench, if they are satisfied that there is apprehension of miscarriage of justice or that there has been a miscarriage of justice ; otherwise there is no appeal. The District Magistrate, the Sub-Divisional Magistrate and the District Judge have powers of inspection.

In the Punjab, the *Gaon Sabha* after electing its President and Vice-President, who are called respectively *Sarpanch* and *Naib Sarpanch*, elect from its members an Executive Committee called the *Gaon Panchayat*. The members of this Panchayat are known as *Panches*. The number of *Panches* of the Gaon Panchayat is usually five to nine in addition to the *Sarpanch* and *Naib Sarpanch* of the *Gaon Sabha* who are also *Sarpanch* and *Naib Sarpanch* respectively of the *Gaon Panchayat*. Thus, here there is a great departure from the Bihar Scheme.

In M.P. and Bombay, the whole adult population of the village or group of villages constituting the Panchayat area is not constituted into *Gaon Sabha* but they elect the *Panches* of the Gram Panchayat. In M.P. the *Sarpanch* of the Gram Panchayat is elected by the whole electorate and the Deputy *Sarpanch* is nominated by the *Sarpanch*. In Bombay, the *Sarpanch* and the Deputy *Surpanch* are elected by the members of the Panchayat from amongst themselves. In Bombay the executive power vests in the *Sarpanch*. In U.P., M.P. and Bombay the Gram *Sevak* is known as Secretary of the Panchayat. Unlike Bihar, in Bombay he is not a Government servant and is appointed by the Panchayat and is fully under its control. In M.P. also the secretaries are appointed by the Panchayats. There are, of course, other servants. Duties are more or less the same everywhere ; but in the Punjab scheme some very important responsibilities can be made over to the Panchayats. On a complaint being made to the



*Gaon* Panchayat by any person that a *Patwari* or a *Chowkidar* has failed to perform any duty imposed on him by law or rules, the *Gaon* Panchayat may by notice, fixing a reasonable period, require him to perform the said duty and on his failure to do so, shall report the matter to the superior officer whom it may concern or to the Deputy Commissioner. The result of the action taken thereon shall be communicated to the *Gaon* Panchayat. On a complaint being made to the *Gaon* Panchayat by any person that a peon, bailiff, constable, chowkidar, patrol of the irrigation department, forest guard, patwari or vaccinator has misconducted himself in his official capacity, the *Gaon* Panchayat may enquire into the matter and submit a report to the superior officer whom it may concern or to the Deputy Commissioner. The *Gaon* Panchayat has to be informed of the result. The *Gaon* Panchayat may also by a resolution passed by a 2/3rd majority of the total number of members of the *Gaon Sabha*, embark upon a policy of prohibition. Government may transfer to any *Gaon* Panchayat the management and maintenance of a forest near the boundaries of its jurisdiction. The M.P. Act also provides for the management of a forest area to the *Gram* Panchayat and also for the transfer of irrigation works ; in M.P. also the *Gram* Panchayat has the right to inquire into the conduct of certain officials like vaccinator, revenue inspector, patwari, police constable and forest guard or peon and report against them. In Bombay, the State Government may vest in a Panchayat open sites vacant or grazing lands or public roads and streets, wells, river beds, tanks, trees or any other property in the village vesting in the Government. In the Punjab, the compulsory tax is the hearth tax and other taxes are optional. There is a provision for a special tax and community service but here there is a variation on the Bihar provision. A *Gaon* Panchayat may impose a special tax on the adult male members of the Panchayat area for the construction of any public work of general utility of the inhabitants of the said area ; provided that it may exempt any member from payment of this tax in lieu of doing voluntary labour or having it done by another person on his behalf. In M.P. there is a compulsory cess on land revenue or rent ; there is another compulsory tax on owners and occupiers of all buildings and

non-agricultural lands ; the third compulsory tax is on persons practising the calling of buyer, broker, commission agent, weigher or measurer ; the tax on professions and trades is also compulsory. Optional taxes available to a Panchayat number eleven. There is provision for imposing a labour tax but unlike Bihar this is optional. The Gram Panchayat may call upon persons resident in its area to perform such labour as it may specify in the order on works of public utility which, in the opinion of the Gram Panchayat, are likely to benefit such persons and which the Gram Panchayat has undertaken to construct, maintain or repair. A person required to perform such labour may have it performed by another on his behalf or pay for its performance at such rates as may be determined by the Gram Panchayat. In Bombay there is a compulsory tax on owners and occupiers of houses ; the rest are optional sources. The State Government gives liberal subsidies and grants to the Panchayats. The State Government sanctions to a Panchayat a grant equal to 15% of the land revenue or 25% of the local fund cess collected in the area, whichever is greater. Three-fourth of the salary of the Secretary of a Village Panchayat is met by the State Government, and 50% of the expenditure incurred by the Village Panchayats on payment of dearness allowance to their staff. The Government allots liberal funds to provide adequate drinking water in the villages and this grant alone in 1949-50 amounted in Bombay State to Rs. 77.11 lakhs. The Government further gives to the Panchayat concerned a grant equal to 50% of the estimated cost of houses constructed for its Harijan employees. Other State Governments also give somewhat similar grants but the percentage of land revenue is not given in every State.

The authorities which have controlling and supervising powers over the Gram Panchayats are :

State Government, Divisional Commissioners, District Collectors, Sub-Divisional Magistrates, Director and Deputy Directors of Panchayats and their regional subordinates including District Panchayat Officers.

Here the same sort of problems arise as with regard to the control of other local self-governing bodies. For abuse of power or for its incompetence or default in the performance of its duties, a Panchayat can be dissolved or superseded and a

new one can be constituted ; a *Sarpanch* and a member can similarly be removed ; if a Panchayat defaults in performing its essential duties, the 'prescribed authority' (the particular official may differ from State to State) may get it executed and charge the costs to the Panchayat's funds ; similarly if any order or resolution of the Panchayat is against public interest it may be vetoed by the 'Prescribed Authority'. Various officials of Government have right to inspect Panchayat works, documents and records. District Boards also have controlling and supervising powers. If a District Board thinks that some duty should be performed by the Panchayat which it is not performing, it may perform that duty itself and charge the cost to the Panchayat's fund. Similarly it can supervise and inspect the work of the Panchayats in its area. The Director of Panchayats for the whole State and the District Panchayat Officers for their respective districts provide general and detailed supervision and guidance to the Panchayat is in their work so that the Panchayat Scheme is a success. They are also responsible for arranging auditing of accounts, and training Panchayat staff and even Panchayat members. They receive periodical reports of Panchayats, take necessary action and pass on certain correspondence to higher authorities. They also send periodical reports on the working of Panchayats in their areas. The exact position differs from State to State and also the duties of particular officers in this regard ; but the general pattern is the same. The supervision and control exercised by District Boards on Panchayats in various States is in M.P. exercised by Janapadas. In M.P. there is a Panchayat Inspector for every Janapada.

In the judicial field the chief feature of the Bihar Scheme is that the jurisdiction of the Gram Panchayat and the Gram *Kechehri* extends over the same area and the judicial functions are performed by a Bench of the Gram *Kechehri* which is elected by the Gram Panchayat. The Gram *Kechehri* enjoys both criminal and civil jurisdiction. In U.P. the *Adalty* Panchayat and in M.P. the *Nyay* Panchayat has a wider area than a Gram Panchayat. In Bombay and the Punjab, the area is the same as that of the administrative Panchayat. In M.P., the number of *Panches* of a *Nyay* Panchayat is usually five and they are selected by the State Government

from amongst the *Panchas* of the Gram Panchayats established within the area over which the *Nyay* Panchayat has jurisdiction. Every *Nyay* Panchayat has a Chairman who is appointed by the State Government from amongst the *Panchas* of such Panchayat and this Chairman nominates a Deputy Chairman from the same body. The *Nyay* Panchayat has both criminal and civil jurisdiction. In Bombay the Gram Panchayat elects out of its members five persons who constitute a *Nyay* Panchayat. The Chairman is elected by the *Nyay* Panchayat from amongst its members. In the Punjab the Scheme is more ambitious. The *Gaon* Panchayats themselves enjoy judicial powers and there are not separate *Nyay* Panchayats. The *Gaon* Panchayats are, for this purpose, divided into Class I, Class II and Class III and are given varying powers not only in civil and criminal matters but also in revenue matters. Class III Panchayats have only criminal jurisdiction and this also is very limited. Class I and Class II Panchayats have all three—criminal, civil and revenue—jurisdictions. Thus apart from the usual criminal and civil jurisdiction every Class I and Class II *Gaon* Panchayat enjoys revenue judicial functions and can entertain certain suits under the Punjab Tenancy Act. A Class I Panchayat can be invested with enhanced criminal powers. In U.P. also *Adalty* Panchayats enjoy criminal, civil and revenue jurisdiction. The District Judge in civil suits and the Collector in revenue suits and the District Magistrate in criminal cases has usual powers over the jurisdiction and decisions of the Panchayats when he is satisfied that a failure of justice has occurred or may occur.

In Bengal for various reasons there are no village communities of the type which are found elsewhere ; and the unit of rural local self-government has been the Union and not the village. But a scheme has already been worked out for the establishment of Village Panchayats. The scheme in brief is as follows :

A Village Panchayat would include eight to ten villages. This is considered a viable unit as well as compact enough for local action. There would be roughly 4,000 Panchayats which when established will replace the 1785 Union Boards existing at present. There would be roughly two Panchayats in place

of one Union Board. The scheme envisages the establishment of a Gram *Sabha* for every unit to be elected by the adult inhabitants of the area. This *Sabha* will function as a legislative body defining and controlling the policies of village administration. The *Sabha* will elect the Gram Panchayat consisting of 10 to 15 members, the Panchayat electing one of its members as President. There will be a Secretary who will be appointed by State Government but will be paid by the Panchayat. The scheme in this regard is ambitious and envisages the appointment of graduates as Secretaries on a salary of not less than Rs. 150 per month. The duties and functions of the Panchayats have been classified into primary and agency functions. Primary functions will be trial of civil and criminal cases, more or less on the same lines as the Union Boards ; execution of works of public utility, e.g., construction of wells, tube wells, tanks, minor irrigation works, roads and bridges etc.; and village sanitation and public health. Agency functions will include primary, social, vocational and adult education ; medical and public health ; veterinary services ; cottage industries ; schemes for the improvement of agriculture including supply of seeds, manure and agricultural implements to the agriculturists ; registration of simple documents ; and relief operations including the care of the infirm and the destitute. Agency functions will be financed by the appropriate departments of the State Government but the primary functions will be executed and financed by the Panchayats out of their own funds. A Panchayat will be authorized to levy the following taxes :

House tax ; vehicle tax ; tax on professions, trades or callings ; fees on transfer of immoveable property ; fees on markets, hearths or fairs ; fees on social functions, such as marriages, feasts, etc. ; fees levied on petitions, complaints in civil and criminal cases ; fines imposed by the Panchayat Benches ; and monies realised from parties in suitable civil and criminal cases where a suit or case ends in compromise. It has been calculated that if the Panchayats impose adequate taxes, a Panchayat may have an income of Rs. 7,000 a year. Panchayats will also be empowered to levy taxes for specific services rendered. It is also proposed that the State Government should grant a subvention of at least 12.5% of the

State's income derived annually from land revenue. The Panchayat will pay the salary and allowances of the Secretary and meet other incidental office expenses. The balance will be spent in connection with the works which are the primary responsibility of the Panchayat. It has been noticed that one of the main defects of the Union Board system was that the bulk of its revenues were eaten up by the rural police. To make Panchayats more effective for welfare work, the new scheme proposes to take off this load from the Panchayats and hand over this burden to the State Government. The required number of constables can be appointed for various areas and they will be subject to the control of the local Superintendent of Police in technical matters and of the Panchayat in disciplinary matters. The State will bear the expenses of this Police Force. It is also possible to utilize the Panchayats as an agency to collect the land revenue on behalf of the State Government after abolition of the zamindari system. The State Government and its officials would provide the usual supervision and guidance to the Panchayats, in particular the services of the existing Circle Officers would be utilized for this purpose. As a preliminary to the launching of this scheme, some Panchayats were set up in selected areas under executive orders; these Panchayats numbered 215 in November 1953. Money grants were made by Government to these Panchayats in order to give them a start.

In Assam there has been no adequate machinery of local government in rural areas. In Golepara district and Karimganj sub-division of Cachar district there is at present the *Chowkidari* system based on the Bengal Act of 1870. Elsewhere there is no *Chowkidar* either. Police duties to some extent in the village are performed by the ordinary headman of the village called *Goan Bura* whose post is honorary and usually hereditary; sometimes he has land in lieu of this service. There where no Union Committees or Union Boards in Assam, and though there were some Panchayats before the Assam Rural Panchayat Act, 1948 was passed, they covered only a small area. The Act of 1948 represents the first serious effort in Assam to organize local self-government in rural areas. While in Bengal, the area of the rural self-government has been reduced from the Union

Board to the Panchayat, this area in Assam is being made bigger on the ground of being made viable. The primary Panchayat is not the vital institution in the Assam Scheme ; the institution that matters is the rural Panchayat which will comprise fifty to sixty villages forming a *mouza* and will have a population of roughly 25,000 people. The authorities are aware that such a big area with a big population may be a hindrance to the exploiting of local enthusiasm to the full ; but in view of the backwardness of the areas both in resources and men, it has been thought advisable to organize the scheme on the basis of bigger areas. The new scheme of rural panchayats which will apply only to the plain districts may be briefly summarized as follows :

The State Government will declare any area to be a rural panchayat area ; this will be divided into a number of primary panchayats. The primary panchayat will be composed of all adults residing in the area and will elect an executive committee called Primary Panchayat Executive Committee and a President and a Vice-President. It will appoint a Secretary. A Primary Panchayat will act as an agent of the rural panchayat and shall follow the directions given by the Rural Panchayat from time to time. Every Primary Panchayat will elect members to the Rural Panchayat according to its population and the Rural Panchayat will then elect from among its members its President and Vice-President. The President then shall select not less than five and not more than nine other members who will constitute the executive council. The Rural Panchayat will employ necessary staff for carrying out its duties and will pay the salaries of such staff out of the Panchayat fund and shall exercise the powers of punishment, disciplinary action and promotion of such staff. The functions of the Rural Panchayat will be the same as of Panchayats elsewhere. They will include looking after the health and sanitation of the area, hospitals and veterinary dispensaries, agricultural improvements, irrigation works ; construction, maintenance and improvement of communications ; slaughter houses ; poor relief ; primary education ; cooperatives ; cottage industries ; improvement of cattle and control over fairs, pounds etc. The list of duties and functions is impressive and so are the powers given to Rural Panchayats



for carrying out their work. The Rural Panchayat can enforce village planning ; may prevent fragmentation of agricultural holdings ; may establish unions of craftsmen ; and hold exhibitions. In brief, a Panchayat is charged to perform municipal, and welfare functions on a large scale. It may also introduce cooperative farming and has been charged with the responsibility of maintaining a village volunteers force. A Panchayat will also control waste lands. As in some other States, so in Assam a provision has been made for the Panchayat to make to the proper authority any representation concerning the welfare of the persons residing within its area. In particular a Panchayat may forward to the proper authority any complaint by any person residing within its jurisdiction against any Government official if it considers that there is a *prima facie* evidence for such complaint and with its own remarks on it.

A large number of sources of taxation have been opened out to the Rural Panchayat and they are more or less on the same lines as elsewhere. There is provision for the imposition of a voluntry tax.

For judicial purposes the State government may establish a Panchayati *Adalat* for each Rural Panchayat and may invest it with criminal and civil powers. The Sessions Judge and the District Judge will in criminal and civil jurisdiction respectively exercise usual powers of control and supervision. The State government will generally supervise the working of the Panchayats. Some powers have been given to the Deputy Commissioner and the Sub-Divisional Officer over these Panchayats. The immediate guidance is provided through the Development Officers. There is one Development Officer in charge of one Sub-Division and he looks after the Rural Panchayats in his area and guides them in their day-to-day work. He is also Secretary to the Rural Development Board for the Sub-Division and the District, the Chairman being respectively the Sub-Divisional Officer and the Deputy Commissioner.

A provision was made originally in the Act that wherever a Rural Panchayat was established, the provisions of the Local Self-Government Act from that area would be withdrawn ; but this created practical difficulties in regard to schools,

dispensaries, and ferries which were completely transferred to the Panchayats. An amendment has, therefore, been made that provisions of the Local Self-Government Act would be withdrawn in the Panchayat areas only to the extent specified by Government so that some services may continue to be run by the Local Boards. This raises a very important point, viz., the new relationship between the District Board and the newly organized Panchayats. The question is present in every State and a satisfactory basis will have to be found so to adjust the relationship that the village Panchayats in their areas can effectively function. There are, however, certain services which are better organized in a wider area and in some cases there are practical difficulties. For example, a Panchayat may have only one school and will find it impossible to transfer teachers from one institution to another, while such a difficulty does not arise in case of the District Board. One school of thought is of the view that the District Boards should be constituted as a co-ordinating body between various Panchayats in which the various Panchayats are represented.

The Panchayats play a double role ; they extend self-government to the very homes of the people, and they create an almost indispensable machinery for the development of a welfare State. Both roles are of surpassing importance and value. All self-government is a value by itself and in a democratic State it is also useful to train people in democratic principles at every level. The Panchayats serve this purpose. As regards the second role, viz., supplementing the development activities of the State government in the sphere of development and public welfare, the value will depend on the actual achievements of the Panchayats. Legislation has provided them a great scope of activities and also numerous and increased sources of revenue ; provision has also been made for providing them necessary guidance and also help from government departmental officials. All legislation, however, is merely enabling action. It provides a positive framework for action and removes hindrances ; but it does not by itself register achievements. Achievements have to be made by the people who have been given enabling powers and opportunities. It is too early to pass a judgment on

the work of the re-constituted panchayats. Panchayats have already registered improvements in various places. They have constructed new irrigation channels and cleared old ones ; controlled incidental fires ; donated money and built school buildings and social education centres ; dressed up and constructed roads specially village approach roads ; widened roads in the villages ; constructed panchayat *ghars* ; constructed wells for drinking water ; established libraries and provided newspapers ; improved sanitation and hygienic conditions within the village ; provided drainage and soakpits ; dug-up tanks ; provided lighting in some places ; conserved manures and helped in Grow More Food Campaign ; promoted kitchen gardens ; helped to utilize waste ; promoted recreational activities and kept radio sets ; helped in providing medical facilities and distributed medicines ; helped various government officials and welfare departments in better performing their duties ; influenced people to be vaccinated and inoculated when necessary ; obtained donations and other help towards welfare activities in the village ; improved watch and ward arrangements so that crime, specially burglaries and thefts, have decreased and in particular cattle lifting and offences against grazing have also gone down ; relations among people have improved at some places ; have taken certain steps in regard to distribution of essential goods ; and in general brought about some awakening in villages and emphasized the need and value of self-help. Particularly valuable has been the work of *Nyay* Panchayats. This has always been a strong feature of the village panchayats. Even developmental activity depends on the fact that there is harmony in the village which is destroyed by long and expensive litigation in courts of law. The *Nyay* Panchayats have decided a very large number of civil and criminal cases and in some places also revenue suits. This has saved the villagers from great anxiety, inconvenience and expense. In the village, true facts are known to everybody and there is little inducement towards purgery. Many quarrels are settled amicably and bitter feelings are soothed. Thus the judicial panchayats have exercised great conciliatory influence on village life.

These achievements, however, are not to be found every-

where and even where they have been registered the problem is to sustain them. The purpose of an organizational set-up is to ensure continuous and sustained activity which is different from occasional and spasmodic activity induced by an occasional enthusiasm. If the panchayats have really to play the part which is expected of them in a development and welfare state they will have to proceed more methodically and vigorously everywhere. The chief weakness is the unwillingness of the panchayats to tax the people. Most of the panchayats have poor resources. The incomes of some of the panchayats are as small as Rs. 100 or even less per year, and many of the panchayats are at present in a moribund state. Optional taxes are seldom levied. If the panchayats have to make a difference they must draw out their own resources and achieve results which will be in addition to the resources and achievements which the State government has and may make over. For this purpose the panchayats are well-fitted. Local needs are known. Taxes which local people will pay will be spent on meeting their needs and solving their problems and improving their conditions of living ; and if concrete results be visible, local people will not grudge to pay for their welfare. Panchayats have, therefore, to take courage in both hands and achieve results. The more the achievements they make, the easier it will be for them to make further achievements. The panchayats would not have played their true and effective role in the welfare State if they simply depend on taxes and grants allowed to them by the State government for the state government could very well have spent this money on development work through its own officials. Opportunities having been allowed it is for the panchayats to make use of them in their interest.

The Nyay Panchayats have done substantial work as statistics would show, but here two points have to be remembered : one is that, some of the cases which the Nyay Panchayats disposed of are cases which would in any case be disposed of in the village by village elders whether there is a Nyay Panchayat or no Nyay Panchayat. Such disposals therefore do not bring out the true value of a Nyay Panchayat. The true value of a Nyay Panchayat would consist in its disposing of really serious cases which would normally go to ordinary

courts of law, that is to say, when it really takes off some of the work of the ordinary courts of law. Secondly, it is good to get cases compromised and amicably settled. In Bihar in 1950-51 more than 90 per cent of the cases instituted before the Gram *Kechehries* were amicably settled. But, here there is one point to be remembered that while it is a matter of congratulation that so many cases were amicably settled it may also be a pointer to the fact that most of the litigation decided by the panchayats was not of a serious type.

Some defects of the existing scheme may be pointed out. For certain types of developmental activity, the Panchayat area proves too small. Provision has, therefore, been made in some states for various panchayats combining together or combining with other local bodies for undertaking certain developmental activities. Another serious problem which has arisen is the multiplicity of the departmental officials whose work impinges on village life. Officials like vaccinator, inoculator, the health inspector, the forest guard, the irrigation department official, the school teacher, the beat constable, the animal husbandry assistant, the veterinary assistant, the agricultural assistant, the cooperative inspector, the official in charge of literacy programme, the social hygiene publicist, the rural development official, the grow more food official, the seed store-keeper, the doctor and the sub-overseer, all these have something to contribute towards the general welfare and development activities in a village, and yet they are so many, each coming occasionally and concerning himself with his limited sphere and giving a particular advice to the villagers and then going away. The relations of these officials with the Gram Panchayat are not precisely defined. It is essential therefore that if the Gram Panchayat is to undertake development activity in the village, there should be some simple and orderly arrangement with regard to this matter. In various States the solution offered is a multi-purpose officer who is trained in various welfare activities, lives in the village having a number of villages in his charge and executes development activities on the spot in close association with the Gram Panchayats concerned. In the matter of departmental organization, this is a fruitful line to pursue. The present arrangements bewilder the panchayats and do not

result in sustained and coordinated activity. There is also the allied problem of having a number of bodies in the same village for different purposes. This is also receiving attention of governments and it is considered advisable to have one general body. All activity may be entrusted to the Gram Panchayat except perhaps the cooperative activity which has to be organized separately as members of a cooperative society have certain liabilities and it is a voluntary organization.

It has already been mentioned that the sources of taxation now available to Panchayats are numerous ; but this is not always an advantage. Many sources even if utilized would yield meagre revenues and are difficult to collect and some of them prove irritants. Some people, therefore, hold that it is better to have a small number of taxes which could be easily levied and collected and the yields from which were certain and substantial. This is a plea for simplicity and certainty of taxation specially in rural areas ; these two features have distinguished the land revenue in India.

In some States, a very large number of registers have been prescribed both for administrative panchayats and judicial panchayats. It is desirable to reduce the number of registers to a minimum and simplify procedure as far as possible.

There is an interesting point to notice about the launching of the Panchayat Raj Scheme in various States. In U.P., panchayats were set up all at once everywhere. In Bombay, panchayats were compulsorily set up in villages with a population of 2,000 and above ; but below that they were set up by stages and annually when evidence was available that the villagers would provide effective cooperation in efficiently running the panchayat. In Bihar, panchayats were not set up everywhere at once. First, Government set up unofficial panchayats which were on probation for some time. They were asked to do constructive work such as improvement of drainage, construction of soakpits, preparation of compost, cleaning of public roads, urinals, latrines and construction and repair of approach roads etc. When unofficial panchayats had justified themselves, they were regularly constituted.

## ***The Board of Revenue and the Divisional Commissioner***

Any correctly balanced and soundly conceived system of administration in India must be weighted in favour of rural areas ; for it is in those areas that the vast majority of the people live and it is on them that the prosperity, strength and greatness of the country depends. According to 1951 census, out of total population of 36 crores, 29.5 crores lived in villages ; and as against 3,018 towns of all description there were 5.6 lakhs of villages. Moreover townsmen can better look after their interests than villagers. The district administration as developed during the last 150 years has, therefore, its face turned to the villages ; hence the revenue administration takes precedence over all other departments. The revenue and general administration, as it is called, has the pride of place in Indian administration. It touches rural life at many points and comes in close touch with villagers. This gives it special influence and knowledge which come in useful to other departments as well. All other departments may, with some exaggeration, be described merely as appendages to the Revenue Administration. The Revenue Administration collects the land revenue ; settles and defines not only the rights of Government but also the rights of the people to



the land, whether they are rayats, zamindars or tenants ; maintains records of all land, crops, methods of irrigation and as a matter of fact anything and everything connected with rural life ; acts in cases of emergency affecting rural life like floods, famines, droughts and diseases of plants or cattle and takes all measures including grant of Government loans or promote agricultural prosperity ; and, as it is not sufficient merely to define rights of people for changes happen which affect these rights, it also provides a machinery of revenue courts for adjudication and re-defining the rights and keeping the record of rights up-to-date. In brief, it is a living administration dealing with the life of the people, where it has created certainty in place of suspense. When the revenue administration has defined the rights of the people and put them in the enjoyment thereof and also created records and courts to guard those rights, the function of the Police Department is to maintain the people in those rights and to prevent disturbances of those rights ; the function of the Agriculture Department is to help in improving the land the ownership and possession of which has been determined ; the function of the Education and Health Departments is to promote education and health of the people who have been invested with these rights ; the Animal Husbandry Department helps the people in looking after their cattle and so on. No departmental activity will have any meaning unless the people have been clothed with rights and status.

It would be obvious that the revenue administration, dealing with such a large number of people, will involve tremendous and multifarious work of bewildering details. Further, once broad policies have been laid down, the work of this department would be more administration than policy. It is here that the value of the Board of Revenue lies. The Board of Revenue relieves the State government of general and detailed administrative duties in this sphere, for these duties belong to an administrative field rather than the field of policy. All that is necessary is to ensure that Government policies in this vast field are properly executed and all problems that may arise within the framework of those policies are settled. A Board of Revenue has administrative as well as judicial functions. On the judicial side it

constitutes the highest Revenue Court and hears appeals from Divisional Commissioners (in these matters the jurisdiction of the High Court is barred except by way of writ petitions). It has quasi-judicial functions in regard to certain appointments to revenue posts. On the administrative side it is responsible for detailed administration of the revenue laws and revenue policies of the State government and controls subordinate revenue establishments and land records staff.

A brief idea of constitution, functions and duties of the Board of Revenue may be gathered from a description of the Madras Board ; for it is not only one of the oldest Boards in India but also is the strongest, doubtless due to the fact that it functions in a rayatwari state. The Madras Board of Revenue was constituted in 1736 ; and its functions as defined by Regulation I of 1803 were "the general superintendence of the revenues from whatever source they may arise and the recommendation of such proposals to the Governor in Council as in their judgment may be calculated to augment or improve those revenues". All the revenue servants of the Government were placed under its control. It would be seen that the first idea was to ensure that there is no loss of revenue to Government ; but the rights of the people must be correlated with the rights of the Government if the system is to last and, therefore, with the passing of revenue and tenancy legislation the functions of the Board of Revenue got enlarged. The Madras Board originally consisted of the Governor as the President of Board and four members, three being ordinary members and one being a member of the Governor's Council. But usually the three ordinary members managed the affairs of the Board and one of them came to be known as the Senior Member of the Board. The Board was primarily responsible for land settlement. Several other functions were entrusted to the Board and it was constituted a Court of Wards in 1804. Under Act 11 of 1883, since repealed and replaced by Act I of 1894, the Board was constituted as a Body of Commissioners each dealing with his separate subjects, the collective actions of the Board being confined to a few important subjects. Members were also asked to tour in the presidency. As a number of other departmental functions continued to be entrusted to the Board,

the Board in fact became an aggregation of heads of departments. At present the Board consists of four members (who are very senior administrative officers), viz., (1) Commissioner of Land Revenue, (2) Commissioner of Commercial Taxes, (3) Commissioner of Settlement of Estates, (4) Commissioner of Civil Supplies and Food Production. Rules of business prescribed which questions will be decided by the full Board, questions by two members and which questions by a single member. The distribution is as follows :

Subjects assigned for disposal by the collective Board are :

Acts and Bills ; conduct of gazetted officers ; deputy collectors (selection, promotion and retirement); creation and redistribution of districts, sub-divisions and taluks ; grant of dry remissions ; proposals involving and fundamental change of policy and administration ; matters of special importance concerning court of wards ; alienation of land, land revenue and buildings ; irrecoverable losses of public stores, public money etc.

Subjects assigned for disposal by two members are :

Conduct of public servants of the grade of tahsildars and deputy tahsildars, and their petitions against appointments and punishments ; selection for appointment of persons to these posts ; standing orders of the Board ; jamabandi reports etc.

As regards single member's subjects, the position is as follows :

The Commissioner of Land Revenue deals with all matters relating to general control and administration of land revenue and village establishments ; control of establishments in revenue offices ; encroachments, escheats ; land revenue and cess collections ; loans for land improvement and for agriculturists' needs ; court of wards ; municipalities and local boards ; minor irrigation establishments, etc. The Commissioner of Commercial Taxes deals with irrigation projects, famine relief, abkari and opium revenue, stamps and court fees, prohibition, and all commercial taxes including the sales tax ; excise establishments ; fire, flood and epidemic and debt conciliation boards. The Commissioner of Settlement of Estates deals with irrigation works ; surveys and survey establishments ; work in connection with Madras Estates

(reduction of rent) Act, 1947 and the Madras Estates (abolition and conversion into rayatwari) Act, 1948. The Commissioner of Civil Supplies and Food Production deals with direction, coordination and enforcement of measures for the distribution and rationing of supplies and for the control of prices in the State. He is really head of a department added to the Board of Revenue to administer a special subject of great public importance. However a subject may be dealt with, the final decision and advice is in the name of the Board. Perhaps this general description will not give an adequate idea of the functions of the Board of Revenue which are large and varied. A few isolated and concrete items administered by the Board may be mentioned : land acquisition, treasure trove, administration and resumption of inams, maintenance of revenue records and registration, settlement of frontier disputes, settlement and resettlement of rayatwari tracts, village and taluks, accounts, irrigation (minor), irrigation cess fund and irrigation panchayats, loans to agriculturists, village officials' appeals and petitions, their appointments and punishments including questions of hereditary claims, revenue sales, village and panchayat courts, relinquishments, assessment, leases and disposal of land, general control and administration of the land revenue and village establishment, inspection of district offices etc., famine relief, discretionary grants by collectors, forms and stationery, forest panchayats, weights and measures etc., etc. It would be seen that the Board of Revenue deals, at the State level, with various detailed matters connected with general revenue, administration including land revenue, establishment and records and accounts ; with agricultural emergencies ; and they also have charge of several other departmental activities which they are in the best position to regulate and decide. These functions fall into two categories. Some matters are finally decided by the Board and thus they relieve the State government of much detailed work. In other matters they advise the Government so that when the Government takes final decision they have the advantage of knowing the views of a very senior administrative collective body who have considered the matter from the State point of view. Apart from these functions either governed by statutory provision or merely executive instructions of the

Government, the Board of Revenue has general administrative duties and supervises the work of district collectors. A very good and interesting way of knowing these powers and duties would be to go through the Board's standing orders (in several volumes) which would show what administrative details receive their attention.

Apart from these administrative and departmental functions the Board of Revenue has judicial functions. It hears appeals from decisions of collectors under various Revenue and Tenancy Laws. Other appeals also come to it e.g., under the Commercial Taxes. In their judicial functions the Board is completely independent.

There is a Board of Revenue in every state except Bombay and Assam ; in Punjab members are known as Financial Commissioners. In Bengal and Bihar there is a single member Board (in Bihar an additional member was been added in connection with zamindari abolition) ; in the Punjab now there is only one Financial Commissioner. In U.P., M.P. and Orissa there is more than one member. Everywhere (except in M.P. where functions are purely judicial) the Board has both administrative and judicial functions. The principles on which a state Board of Revenue is constituted are the same everywhere, viz., to function as the highest Revenue Court and on the administrative side either to relieve Government of some detailed functions or to tender it advice on others. Everywhere the Board is responsible for settlement operations, though the exact machinery created for this purposes from time to time may differ in detail from State to State. But the system of land tenure differing from State to State makes a difference in the character and complexion of the various Boards of Revenue and also there are some statutory differences in the composition and functions of the Boards.

In the old province of Bengal, the Board of Revenue was constituted by a Regulation of 1786 and consisted of five members. The Board was declared as a tribunal for the determination of all questions relating to the assessment of land and for the judicial determination of many other important matters, "as the chief guardian of the fiscal interest of the state, as directors and superintendents over the executive officers and as the confidential advisers of Government". In

1829 the Divisional Commissioners were interposed between the collectors and the Board and the number of members of the Board was reduced to three. The number was further reduced to one in 1913. On the judicial side the Board deals with appeals and revisions under various Revenue, Rent and Tenancy Laws including mutations, revenue sales and partition. Administrative and quasi-judicial functions include land records and survey and settlement; cess; certificates; Government estates; Court of wards and Khas Mahals; sales of land; Government loans to agriculturists; land registration; colonization; assessment and collection of land revenue including remissions and suspensions, entertainment tax; treasure trove. The Board has control over ministerial and menial staff of Commissioners', Collector's and SDO's offices. In Bengal the work of the Board of Revenue is not so detailed and all-embracing as in Madras; because in Bengal the Permanent Settlement has kept a large sphere of work away from the revenue officials; there are no annual records, there are no patwaries or revenue inspectors or tahsildars, and on the whole Government has not so many direct relations with the actual cultivators as in Madras. On the judicial side also the work is limited in variety in Bengal because most of the disputes between tenants and zamindars and other matters which would come up before Revenue Courts and finally before the Board of Revenue in U.P. would be decided by Civil Courts in Bengal. The same position holds in Bihar. Appeals and revisions decided by the Board of Revenue are limited to a few matters. The bulk of what would be known elsewhere as revenue litigation is in Bengal and Bihar civil litigation. Nevertheless, there is plenty of work; and apart from survey and settlement operations, whether major or minor, the Board has wide administrative powers in revenue and connected departments and relieves the State Government of many detailed functions or tenders it advice on other matters. It controls revenue establishments; performs certain departmental functions e.g., of excise and salt; and functions as the highest Revenue Judicial Court. Judicial functions are not confined to revenue, rent and tenancy laws. A Board of Revenue may hear appeals and revisions under laws relating to customs, embankments,



excise, irrigation, public demands, stamps, private forests etc.

In U.P. after independence the organization and functions of the Board of revenue underwent some change. Before this change the Board of Revenue was a compact body constituting not only the highest revenue court in the State but also dealt with the following administrative subjects : Surveys and settlements ; land records including the land record staff ; tahsildars and naib tahsildars : divisional and district establishments ; agricultural income tax ; administration of Taccavi Acts ; collection of canal dues etc. After the change which was effected in 1951 the revenue administration work including land records and land record staff was transferred to a newly created officer called the Land Reforms Commissioner who was also in charge of land reforms. Thus the Boards were divested of one of its oldest functions. Some other administrative duties were also taken away from the Board and made over to the Land Reforms Commissioner, some of the more important items being government loans to agriculturists (taccavi), agricultural income tax, territorial changes, partitions, consolidations, mutations, surveys and settlements, control of tahsildars and naib tahsildars, Government estates ; functions relating to assessment, collection and remission under the Revenue Manual ; collection of the canal dues and other miscellaneous dues etc. The main administrative functions of the Board now were to inspect Commissioner's offices and district offices and also to ensure that Divisional Commissioners inspect the district offices. On the basis of these inspections the administrative officer reported on Commissioners and District Officers and other senior officers connected with district administration. These functions were mostly performed by the administrative member of the Board. He however also heard rent and revenue appeals. The other members were called junior members and their duties were purely judicial. Thus, the work of an ordinary Board of Revenue was divided between the Board of Revenue and the Land Reforms Commissioner. After some years, however the position as it was before these changes were made was restored.

In the Punjab there is now only one Financial Commissioner. He performs the usual judicial functions of hearing



appeals and revisions under various revenue, rent and tenancy laws. He has some administrative duties of the usual type including control of land records staff, control over district and divisional establishments, appointments of tahsildars, and naib tahsildars, and writting off of revenue and taccavi etc.

In M.P. there used to be a Financial Commissioner in the past ; but when the Divisional Commissioners were abolished, a Board of Revenue was set up. This Board has purely judicial functions ; but has charge of some such subjects as taccavi. In U.P., Punjab and M.P. the scope of revenue judicial work is varied for many matters and disputes are the subject matter of revenue litigation and, therefore, go up to the Board of Revenue or the Financial Commissioner which in Bengal and Bihar would go to civil courts.

In Bombay there is no Board of Revenue and some of the judicial functions performed by the Board of Revenue elsewhere are performed by the Bombay Revenue Tribunal. This is composed of three members including a retired high court judge and a deputy secretary to Government in the Revenue Department. It hears appeals and revisions under the land revenue code from lower revenue courts. The scope and variety of its work is limited as compared to a Board of Revenue, for in Bombay appeals and revisions under tenancy laws go to Government. The Bombay Revenue Tribunal is, of course, not comparable to a Board of Revenue. It has no administrative functions.

In Orissa the Board of Revenue consists of a president and two members. The Board performs the usual functions, both judicial and administrative. Subjects are allotted to the President and the two members. Important matters are decided by the full Board or two-member Board. The Board is responsible for ensuring that district officers and their subordinates discharge their duties and obligations properly and that all orders regulations are properly carried out, and for this purpose it is vested with disciplinary powers over the revenue officers. But the peculiar feature of the Board of Revenue in Orissa is that it combines the functions of the Board with the Divisional Commissioners, head of the department and the revenue department of Government. The last function is performed by the President who is also ex-officio

secretary to the Government in the revenue department. The other two members act as Additional Secretaries with regard to the subjects specifically, allotted to them. Though all the three members constitute a Board one member sits at Sambalpur, a regional centre and the other sits at Cuttack (the President sits at Cuttack). These two members have been put in charge of one division each, the whole State having been divided into two divisions. They therefore for the purpose of general administration and law and order perform within their respective divisions the duties of a Divisional Commissioner and supervise and guide general administration in districts.

In Madras and Bengal the members of the Board of Revenue are not ex-officio secretaries to the Government in the revenue department ; except that in Madras the member in charge of civil supplies and food production is ex-officio Secretary to Government as far as his department is concerned. In Bihar the member of the Board of Revenue is not ex-officio revenue secretary to Government but the additional member in charge of zamindari abolition is additional secretary to Government. In U.P. and M.P. members of the Board of Revenue are not secretaries to Government but in the Punjab the Financial Commissioner is Secretary to Government in the revenue department and in fact in that capacity is in charge of forest department also.

About the Boards of Revenue the Montague-Chelmsford Report says, "In their administrative capacity these constitute the chief revenue authority of the province and relieve the provincial government of much detailed work which would otherwise come to it." A few examples of this type of work may be given. When settlement operations take place a large number of people may have to be temporarily employed ; the employment would necessitate the making of rules of recruitment and prescribing authorities for appointment and punishment ; this could further lead to hearing of appeals and settling many details. This work would be done by the Board of Revenue and not by the State government. Then there may be a temporary increase necessary in district and divisional offices. These needs would be examined and met by the Board of Revenue, funds having been put at their

disposal by Government. To take another field there may be damage to crops on a large scale. The Board of Revenue would survey the areas concerned in these losses and would grant an interim relief by way of suspension of revenue and rents. Then further the matters would be taken up and the position would be examined with a view to find out whether outright remissions are necessary or other adjustment would meet the situation. All this work would be handled by the Board of Revenue and Government need concern itself only with final results and decisions. In the normal circumstances also a large number of employees work in the land records and revenue department. While Government may prescribe general rules, it is the Board of Revenue who would generally deal with discipline, promotions and punishments, relieving the Government of much detailed work concerning the subordinate staff. Similarly under the various Acts, various duties, some of them administrative and some involving financial consideration, which would normally be discharged by Government, have been assigned to the Board of Revenue who perform them and relieve Government of those duties. Thus a permanently constituted body of senior administrators whose office has great accumulated experience, acts as a useful adjunct to the State Government and in particular looks to the detailed administration of revenue, land systems, land tenures, settlement, surveys, land records, land records staff, and connected agricultural matters. It was on this consideration that the strength and the utility of a Board of Revenue was based. The real authority of the Board of Revenue was not so much derived from statutory law as from the convention which Government observed of not interfering with the work of the Board of Revenue within a particular sphere which was made over to it. In the past there was more of administration and less of policy and this position suited the Board of Revenue excellently. The Simon Commission, however, noted the change that was coming. They wrote, "The approach to responsible government has naturally led to the transfer to the provincial governments of some of the independent powers with which Boards of Revenue were endowed." With more legislation and more direct contacts between the public and Government at various points, the independence of the Board

of Revenue has been affected. The actual position has been modified as may be seen with reference to the same points which were noted as illustrating the utility of the Board. In establishment matters, appointments and punishments, complaints can easily be brought to the Government who cannot ignore them and must look into the cases. In case of damage to crops people affected by them would directly press their cases and points of view before members of Government concerning suspensions and remissions of revenue and rents and Government must look into the position. The powers of the Board of Revenue therefore have been whittled down in some cases, but, more important, their independent position has been to some extent affected. In some States the question of abolition has been debated but on the whole the Boards of Revenue continue to perform useful functions and it is arguable that in the new circumstances the Boards may have to play an important, though slightly different, role. They continue everywhere as the highest revenue courts.

### **The Divisional Commissioner**

In every province except Madras, there are Commissioners in charge of groups of some four to eight districts called divisions (in Assam commissionership was abolished but later revived). Divisional Commissioners are senior administrators who have considerable experience as district officers, heads of departments, secretaries and deputy secretaries to governments and may have some experience in the department of settlement, a foreign assignment and a period spent in the Government of India. The Commissioner is a regional overall authority and represents in his division the combined authority of government. Indian provinces are extensive in size and large in population and a divisional charge may contain more area and more people than some countries of the world. It is for this reason necessary in Indian administration to appoint overall regional officers who would check departmentalization, coordinate government authority, look at administration from a general administrative angle, provide guidance to junior administrators, advise government on many administrative matters and perform certain duties which can best be performed neither in districts nor from government secretariat

but regionally, and thus relieve government of some detailed work in the region. Being regionally posted they are in touch with regional problems and local conditions and, therefore, are in a good position to advise both government and the subordinate officers. For this reason, all departmental heads and their regional and district officers are instructed to meet the Commissioner when they are touring and obtain from him his general views on the schemes and functioning of their departments. The Divisional Commissioner can give advice to everyone which may be worthwhile. In particular, he provides guidance to district officers in revenue and general administration including law and order. He does not publicly and directly interfere with district work, for that would merely confuse the position and affect the authority of the district officer, but he gives plenty of confidential guidance and may also intervene in emergencies. He has been described as a friend, philosopher and guide to his collectors who can always look to him for advice in all matters. Specially when there is a famine, political emergencies, big agrarian problems or when any delicate situation arises, he is available on the spot to the collectors for his advice and guidance, and he also advises the government as to the situation and its treatment.

The Divisional Commissioners have also specific statutory powers of their own ; they are also closely concerned with court of wards administration and local bodies. Many of the duties belonging to a Board of Revenue in the general revenue administrative field concern the Divisional Commissioners also and they are usually interposed between the collectors and the Board of Revenue. Some of these functions within limitations may even be performed by them finally, the Board of Revenue coming into play when these limits are exceeded. The difference between the Board of Revenue and the Divisional Commissioner is that a Board of Revenue is generally not concerned with law and order and police administration in the districts, while the Divisional Commissioner has general supervision over this field also.

Some concrete idea of the miscellaneous functions and duties of the Divisional Commissioner may be had from the following details :

Inspection of district, sub-divisional and tehsil offices ; con-

solidation of various statistics for the division ; disbursement of some grants ; a large number of reports and returns in the division sent to government or the Board of Revenue, special reports including confidential reports ; grant of certain types of licences for the fire arms ; the sanction of certain rewards, allocation of village police and the assessment of the cost of additional police, inspection of Jails and Chairmanship of revising boards ; general supervision over excise department ; Chairman of regional transport authorities ; recommendations for filing government appeals ; certain routine duties with regard to revenue buildings ; control over certain forests ; writing off of losses and stamps etc. ; temporary establishments in revenue offices ; general supervision over collection of land revenue, canal dues and other dues ; special responsibilities in the acquisition of lands ; recommendations for conferment of magisterial and revenue powers on various officers ; management of government estates ; detailed duties with regard to taccavi and land records ; nazul ; agricultural income tax ; some duties with regard to the treasuries, etc. etc.

The list is not exhaustive but merely illustrative of duties which may be called miscellaneous. Thus the Commissioners relieve the State government of many functions under various laws by performing them regionally.

The Commissioners also enjoy revenue judicial appellate powers and hear appeals from district officials under various revenue, rent and tenancy laws. Appeals from their decisions go to the Board of Revenue or the Financial Commissioner. Appeals under other laws are also heard in some States e.g., under Sales-tax Act.

There are some subjects which are regionally important and are assigned to the Commissioner. He may also be assigned duties in regard to important schemes that government may launch e.g. Divisional Commissioners have been charged with the responsibility of proper execution of land reform, procurement of foodgrains, recruitment to Indian Defence Forces etc. The Commissioner of Chota Nagpur, Ranchi is connected with 15 committees and bodies and the list may be of some interest as showing the importance of regional functions. He is a member of the governing body of the Indian Lac-Cess Committee ; member of the advisory committee of the coal



mines labour welfare fund ; chairman of the Bihar coal fields sub-committee ; chairman of the minor board for coal mines ; chairman of the employment advisory committee of the sub-regional exchange ; chairman of the inter-provincial mental hospital ; chairman of the Indian Mental Hospital ; President of the Board of Visitors of the Holy Family Hospital ; President of the Ranchi College ; member of the B.N. Railway Advisory Board ; Chairman of the Board of Visitors, Ranchi Jail ; Chairman of the Itki Sanatorium ; Chairman of the Reformatory School, Hazaribagh ; Chairman of the Regional Transport Authority and he is the Coal Commissioner of Bihar. This shows what useful functions a regional overall officer can perform in his region. The details, of course, differ from place to place.

Thus the Divisional Commissioner is an overall officer in a region supervising the governmental activity in that region ; he is an appellate rent and revenue court for the region. He is the administrative officer not only for land records, land records staff, and general revenue subjects but is also charged with various miscellaneous duties and relieves State government of much detailed work ; he also performs certain special functions according to the conditions of his region. He acts as an adviser both to Government and to district officers and he is well equipped by his experience and location for this task. The Simon Commission Report says : "The Commissioner is necessarily in less close contact with the general population than the Collector and this goes to explain why so much of Indian opinion tends to consider him an unnecessary link in the administrative chain. It is clear, however, that his elimination would involve the provincial governments not only in the loss of expert advice but in the necessity of direct communication with a large number of heads of districts and interference in matters which at present need not come to headquarters at all. The tradition of official administration in India is against the creation of large central establishments. The inevitable discontinuity in the personnel of the higher posts in the districts due to emergency changes and other causes—a feature which has increased since the reforms—may result in there being at a particular juncture no very experienced officer in a group of districts. Hence the importance



of having available the help and advice of the Commissioner." Junior collectors or deputy commissioners in charge of districts is a very obvious feature of these days and the need for Divisional Commissioners would be evident.

But, after Independence, there has been a controversy ranging over the subject of Divisional Commissioners. Various State Governments have modified or abolished the system of Divisional Commissioner. In Madras there never were Divisional Commissioners, but the Board of Revenue was strong and composed of several members and performed many functions of Divisional Commissioners. Bombay always had a strong team of Divisional Commissioners (the first having been created in 1830) who were charged with many duties. They had numerous duties not different from those described above, but what distinguished them from others was their great powers of coordinating various departmental activities. Commissioners in Bombay were abolished and as there never has been a Board of Revenue there, there was no authority left between the districts and the Government. The work of inspecting district offices was assigned to a Deputy Secretary to Government. But he obviously could not in this function replace the Divisional Commissioner who stayed in the region and had better knowledge of district offices and local conditions and who was also a senior officer who himself had run several districts. The experiment however failed, and Commissioners have been revived. In M.P. also the Commissioners were abolished but in its place a Board of Revenue was constituted. This, however, was no substitute for Divisional Commissioner because it was a purely judicial body. Here again Commissioners were revived. In U.P. there was no abolition but a drastic change in the set-up of Commissionership. In place of nine Commissioners there were only three left, and their administrative as well as miscellaneous functions were taken away and distributed among Government departments and the district officers. They lost control over district administration, and became purely judicial officers, though they inspected district offices. Here again the experiment failed and the old system has been revived. In Assam Commissionership was abolished, but has now been revived.

On this subject the Planning Commission says : "In the

second place, with increase in district work and a falling off in the quality of the administration a great deal of inspection, supervision, guidance and attention to training has become an essential condition of efficiency. The need has, therefore, been felt for a senior regional officer who is not himself involved in detailed administrative work and can give personal attention to all aspects of administration and development in his area. Whether such an officer is located in the region, as Commissioners formerly were or, at the headquarters of the State Government, as members of a Board of Revenue are, for instance, is an aspect which has to be considered locally, and no set pattern can be proposed. The important point is that both for securing regional coordination and for supervision of district work, in many States an authority between the secretariat departments and district officer is necessary. We are aware of objections raised in the past to the office of Commissioner. What we have in view is, however, not the revival of the former role of the Commissioner, but adequate arrangements for territorial coordination in the field of development and for inspection and supervision over the entire range of work that now falls to the district. The need for such arrangement is emphasised by the fact that many Collectors are relatively new to their responsibilities and if they have a measure of personal guidance at this stage, they will not only secure better results during the next few years, but will also ensure more adequate training for junior officers who will follow them.

"While problems relating to law and order have frequently to be dealt with directly between the district and the State Government, from time to time there are special problems which need investigation, and special situations in which timely action on the basis of assessment and study by experienced officials may be of enormous advantage to their governments. Pressed as he is with much day-to-day work the district officer is frequently unable to do justice to important questions of policy such as land reform or to complex administrative and economic questions such as arise in connection with food and supply problems. The presence of a senior regional officer can certainly make a difference in the handling of such problems. In this context, we conceive of

the regional officer, not so much as one who formulates policy (although doubtless his advice will always be valuable) but as one who explains and interprets the letter and spirit of the government's policies to officials at various levels, watches closely over their implementation, and helps district officials to take whatever steps are necessary for ensuring that the programmes and targets approved by the government are fully achieved."

*The Board of Revenue and the Divisional Commissioners :* In most of the States there is both a Board of Revenue and the Divisional Commissioners. Their functions are defined ; but the most obvious differences are that the Board of Revenue does not provide a link in the chain of responsibility for law and order between the district magistrates and the government as Divisional Commissioners do, and secondly the Board of Revenue is a body stationed at the headquarters of the State Government while the Divisional Commissioners are stationed in regions. But in many ways the nature and character of their functions is not very different, and in Madras there is only a Board of Revenue and no Divisional Commissioners, while in Bombay there is no Board of Revenue but only Divisional Commissioners. The two, the Board and the Divisional Commissioners, have, therefore, sometimes been compared as an alternative to each other in connection with proposals for the abolition of the one or the other. In Orissa they got one body to combine both types of functions.

The advantages and disadvantages of the Board of Revenue as compared to Divisional Commissioners are :

1. There is unanimity of policy on general questions throughout the State and there is scope for discussion among members. This advantage does not operate in favour of a single Regional Commissioner.
2. The Board's office has a wealth of accumulated experience on all administrative questions which enables the members of the Board of Revenue to offer very authoritative advice to Government. Offices of Divisional Commissioners cannot singly possess such wealth of experience.
3. A centralized Board sitting at the headquarters of the Government cannot interfere with the detailed

administration of the districts and with the discretionary powers of the collectors as a Regional Commissioner can and thus the prestige and authority of the collector remains more intact than in the system of Divisional Commissioners. On the other hand, a Divisional Commissioner is better placed both by his location and his own knowledge of the area to provide valuable guidance to the collectors in his region. He being in the region enjoys certain advantages which the Government or the Board of Revenue does not, being far away from the area concerned. Therefore, for guiding the general administration, the Regional Commissioner enjoys as compared to a Board of Revenue or the State Government the advantage of being the man on the spot and being in a position to keep continuously in touch with the local problems.

4. The Board of Revenue sitting at the headquarters of the Government where other departmental heads also sit is in an advantageous position for coordinating work of various departments, for they can easily meet other officials. On the other hand being at the same place they bring no special local knowledge or up-to-date information got first hand as Divisional Commissioners do.
5. The Divisional Commissioner is a visible symbol of combined Government authority in the region where such symbol is useful ; he is nearer the field of actual operations. The Board of Revenue on the other hand is one of the many official bodies sitting at the headquarters of the Government and cannot operate as a regional coordinating and supervising body.

But in Indian administration there is room for both these authorities.

## ***State Government and Secretariat***

A state government is autonomous within its sphere of jurisdiction given to it by the Constitution. This government acts through the district administration and the various departments ; but governmental activity is not made up of separate watertight departmental activities ; it is a unified whole. All administrative set-up and all administrative action is controlled, directed and supervised by the state government which is both a policy making and supervising body. It may also be noted that though the business of government is divided by the Constitution into two independent categories, central and state, the instrument which conducts this business has only been divided into central and state agencies when division offers certain advantages ; and, therefore, while the central government has its own central services for certain central subjects (e.g. post offices), the administration of several central subjects is still transacted in combination with the administration of state subjects by officers serving under the state governments.

The state government is a political executive, formed by the majority party returned to the legislature by the electorate. Legal responsibility is to the governor of the state, in whom the executive power of the state is vested, and in whose name all executive action taken by the state government is

expressed ; constitutionally, responsibility is to the state legislature; politically, to the party and ultimately to the electorate. The political executive consists of a council of ministers with the chief minister at the head and aids and advises the governor in the exercise of his functions. Unlike the permanent services, the political executive changes from time to time and reflects political opinion in the state; it is primarily responsible for laying down policy ; while the permanent services execute that policy. The responsibility of the ministers is joint and collective but the departmental work is divided up among them, coordination between various ministers being achieved through the cabinet and through the chief minister. On the advice of the chief minister the governor of the state distributes portfolios to various ministers. Rules of business drawn up by the state governor for each state regulate the procedure of work ; they create secretariat departments and group subjects under them ; they lay down as to what matters may be decided by a single minister of a department and what matters should go to the full cabinet. Rules also prescribe consultation with other departments and with the finance department if they are concerned in a case or whenever any action has financial implication. The chief minister has also a right to look into the files of departments in charge of other ministers. In addition the state governor or the chief minister issues supplementary rules called secretariat instructions. These lay down in detail the duties of various officers and the procedure of dealing with files and papers.

The state government which formulates state policy and supervises state administration therefore needs an office. This is known as the government secretariat. The secretariat is divided into various departments ; these departments are distinct from departmental departments which are the administrative units separate from the secretariat and which reach their afflux usually in a single officer like the chief conservator of forests or the director of education or the inspector general of police. These latter are outside the secretariat ; and the head of the department is concerned principally with a single secretary to government and a single minister for his orders and the funds which he is to spend. The secretariat departments are grouped together and are put in charge of a

secretary to government. The number of secretariat departments is greater than the number of secretaries, each secretary having charge of more than one department. These departments and their groupings for purposes of being put in charge of a secretary are more permanent than the portfolios of ministers. It is obvious that the considerations which determine the groupings of secretariat departments under the secretaries and the constitution of ministers, portfolios are not the same ; so that a single secretary to government may have to deal with more than one minister and a single minister may have to deal with more than one secretary to government.

The actual number of departments in the secretariat differs from state to state ; in Bihar there are 19 such departments ; they are : appointment, political, finance, revenue, labour ; judicial, jails, education, development, local self-government, medical, excise, irrigation and electricity, public works department, legislative, public health, welfare, supply and price control, and relief and rehabilitation. There are not as many secretaries to government because these departments are grouped and one group is put in charge of a secretary to government. In the same state the following secretaries to government are found :

Chief secretary, finance secretary, revenue secretary, labour secretary, supply and price control secretary, judicial secretary, development secretary, education secretary, local self-government secretary, legislative department secretary, welfare department secretary, P.W.D. secretary, and relief and rehabilitation secretary. It may be noted however that this way of describing secretaries is not correct ; the correct description is "secretary to government in the department of..." It may be noted that secretaries are not secretaries to a particular minister. They are secretaries to government and their duty is to the government as a whole.

Thus a state secretariat is organized into departments amongst which the business of government is distributed. Departments are further sub-divided into branches and branches into sections and sections into sub-sections. Every department or a group of departments has a secretary who is its administrative head. As a rule, the gradation of secretariat officers is as follows :



(1) Secretary (2) Additional Secretary (3) Joint Secretary (4) Deputy Secretary and (5) Under Secretary. To every officer there may be an additional, e.g., there may be an additional deputy secretary or an additional under secretary. There are special secretaries also. The secretary is responsible for the working of the whole department and most of the files from subordinate officials to the minister will pass through him, except that under approved arrangements a joint secretary or a deputy secretary may be authorized to send files direct to the minister in charge. The secretary has the right to intervene in any case at any stage. An additional secretary discharges the functions of a secretary with respect to matters committed to his charge and functions almost independently of the secretary ; so does the special secretary. Secretariat instructions prescribe in detail how the files are to be disposed of. Some files have to be shown to the governor, others to the chief minister. If other departments are concerned in a particular case, they have to be consulted and the file has to be circulated to them. The finance department has always to be consulted if any decision involves financial implications. As regards the final disposal of a case or a file there are well-understood rules and conventions ; and officers of all ranks are advised to take responsibility in settling minor cases without submitting them to higher authorities. Cases only of real importance should reach a secretary or a minister.

The officers enumerated above are, generally speaking, not secretariat officers, They belong to the general administrative civil service, and work in districts as well as in secretariat by turn. The Simon Commission Report says :

"It is an accepted principle that efficient secretariat service, both in the provinces and at Delhi, depends on a constant interchange of personnel between the districts and the secretariat, the provinces and the centre.... Experience gained with the central government or at the provincial secretariat is, in the system of Indian administration, as much an asset to the provinces or districts as recent and intimate knowledge of the districts and provinces is valuable in the local and central secretariats. Circulation between them makes for the vigour of the whole." Officials below the rank of under secretaries are secretariat officials in the sense that they usually

work life-long in the secretariat. They are :

Assistant secretary ; superintendent ; assistants, in some states classified as senior and junior and in some others as upper division and lower division assistants ; clerks, in most states divided between upper division and lower division. Routine clerks, recorders, arrangers, and record suppliers belong to the last category. Then there are head typists, stenographers, steno-typists and typists. The classification and categories, as the numbers, differ from state to state. Some of these rise to be under secretaries or even deputy secretaries.

The exact office procedure followed in one state secretariat may not precisely be the same as in the secretariat of another state, e.g., there are some differences between the Tottenham system followed in the State of Madras and the Maxwell system followed in the State of Bombay ; but broadly speaking the procedure does not differ in any vital respect and it is possible here to summarise the general position regarding receipt, indexing, filing, dealing, recording and general handling of correspondence in a state secretariat. For this purpose it would be convenient to trace the progress of a letter which is received in the secretariat. Usually there is a centralized section with a number of upper division and lower division clerks in which all dak (tappal) addressed to the secretariat is received. All dak except that addressed by name or marked 'secret' or 'confidential' is opened and marked to the officers concerned or section head. Sometimes D.O. letters emanating from local offices may be handed by messengers direct to the officers concerned but otherwise all postal dak whether local or foreign, registered or unregistered, secret or ordinary or received by hand is delivered at this place. In some states this section clears up the dak twice a day, in other states only once a day ; but urgent letters are always conveyed to the officers concerned as soon as they are received. In Madras the tappal clerk of the branch concerned goes down to this section and takes the relevant box where tappal is put unopened. The section head receives the dak of the section and shows it to the under secretary if he has not seen it so that the under secretary may in urgent and important cases immediately bring some papers to the notice of the secretary ;

thereafter the section head marks the dak to the dealing assistants and sometimes also adds instructions. The dak reaches the dealing assistant via routine clerk who diarises receipt in the section diary register, enters diary numbers in the log book of each assistant and notes file numbers etc. ; the record supplier supplies the necessary records and references to the dealing assistant. Recorders, routine clerks, typists and record suppliers are usually pooled and provide common services to several sections. The dealing assistant places the receipt on the relevant file or opens a new file, and after making necessary entries in registers examines the receipts and puts up notes and sometimes even drafts. The receipt then goes to the section head who scrutinizes the note and the draft and sends it to the officer concerned who passes orders and approves the draft. Then the receipt goes back to the section head who sees it and sends it to the assistant who sends the file to the typing section. Therefrom the fair copy together with the file comes back to the officer who signs it. Thereafter the file goes back to the dealing assistant who makes necessary entries in the register and sends the file to the dispatch section who are responsible to dispatch the issue and then stamp the office copy in token of dispatch ; return the file to the dealing assistant who then closes the file or awaits further action. The duties of officials may briefly be summarized as follows :

The section head receives and marks the receipts in the name of assistants in the section in his charge ; notes instructions on important receipts as to the manner of disposal ; then sends it to the routine clerk for diarising and distribution to assistants ; ensures that file numbers for receipts are provided by assistants in their log books ; gives instructions and takes necessary steps for quick and efficient disposal of work in his section ; and for this purpose ensures that duties are properly divided, that every one is discharging his functions and that registers etc. are properly maintained. He inspects his sections and submits lists, returns and reports on due dates. He is also responsible for ensuring the recording of cases. When the note from the assistant comes, he approves it or amends it and then submits it to the officer concerned.

He is the responsible head of his section. The dealing assistant checks from his log book receipts marked to him and provides file numbers ; examines the cases in the light of the rules, instructions and precedents and puts up cases after examination to the section head. He also prepares an arrears list and maintains a forward diary (in some places called 'call book register'). This is maintained in a prescribed form as a reminder for action to be taken on cases on due dates and is checked by the assistant at the beginning of every working day. He is also responsible for prompt action regarding the recording of cases.

A number of assistants are engaged on the work of receipt and distribution of papers. They receive all dak, sort out and mark the dak section by section. They also put up dak to officers according to instructions on this point. A number of routine clerks provide common services, maintain several registers and make necessary entries. The recorder is in charge of the records of the department until they are transferred to the record room. He is responsible for the proper maintenance of records and their proper arrangement and for their transfer to the record room on due dates. The record supplier supplies record to the dealing assistants and generally assists the recorder.

The secretariat record room is a big affair and sometimes is divided into two parts, the older records and the more recent records. Every paper and file has an age assigned to it and there are detailed rules for weeding of papers.

A file consists of two parts—one called the notes and orders and the other called correspondence. The notes include the subject headings of the series of correspondence on a particular subject, dockets, important points of the paper under consideration (called P.U.C.), office remarks and suggestions and orders thereon. Correspondence includes letters received and issued which are respectively called receipts and issues. Files are formed under arrangement for grouping of papers for every year by subjects. There are detailed heads and sub-heads and files are numbered according to a certain system and symbols are used. When a letter is placed and docketed in the file, it is referenced and pagged. When the file has references, the dealing assistant notes on it. These

are also what are known as routine notes. These are made on separate note sheets provided for the purpose and are weeded out quickly as they do not directly concern the disposal of a case. When the notes have been written, assistants insert their initials on the left-hand side and gazetted officers sign their names in full on the right. When an officer agrees with the note or recommendation he only appends his signature and does nothing more. He may, however, make marginal notes to emphasize special points. Various coloured slips are used ; e.g., green to indicate "Immediate", red to indicate "Routine" etc. Colour schemes may differ from place to place.

Various forms of communication are used. The following may be mentioned :

1. Letter
2. Express letter
3. Demi-official letter
4. Office memorandum and endorsement
5. Circular and resolution
6. Notification
7. Reminder
8. Communique
- and 9. Notice.

Usually every form of communication first emerges as a draft which is a form of communication drawn up by office as a result of the orders passed on the case till it is approved and issued.

The procedure described above may seem long but careful examination of a receipt at various stages is necessary, not to speak of necessary routine work like receipting, numbering, filing and docketing etc. To cut short this procedure some experiments are being tried in the secretariat method of work.

The secretariat organization, as in fact any office organization, is based on certain well-understood principles. In a well-designed organization every person should know what his duties are, how he is to discharge them, from whom he is to receive his orders and to whom he is to give his orders. There is therefore to be a rational division of functions so that the charge is homogeneous and manageable, work load is equal and there is no duplication. Functions and responsibilities of each unit have to be clearly defined. The line of command should be clear as well as the line of responsibility. There should be no crossing of these lines and jumping of levels, either in seeking orders or communicating them. There should be properly organized co-ordinating agencies. Of late this subject has been

receiving expert attention. In some states O & M (Organization and Method) Section has been set up.

It would be seen that the secretary to government stands between the minister on the one hand and the departmental head on the other. All orders from government to the departmental head emanate from the secretary to government and likewise all communications from the department to government are addressed to the secretary. The departmental head is an expert, a technical man who executes government orders and policies through the agency of his departmental officers. He also advises government on the technical aspects of his work and his department. The secretary to government on the other hand is a general administrator who has been in turn a sub-divisional officer, a district collector, perhaps on some special jobs and has also manned some sub-ordinate posts in the state and central secretariats. He has therefore dealt with general administration and seen how activities of various departments impinge on the life of the people. He has experience of a unified administration and has seen life at many points and, therefore, can judge not merely where material leads but how is it to be wisely related to public opinion and public life which will be affected by the results thereof. The expert view is important but it has to be related to general administration and the general life of the people as a whole. The present system, therefore, of having a general administrator as secretary to government and an expert at the head of the department enables government to have the benefit of the expert view and the general administrative view on a particular issue ; and also leaves the expert comparatively more time to execute policy and execute those works for which he is by training and experience best fitted. If each departmental head were the sole adviser of the minister, there may be no correlation in the activities of the various departments, and the government might miss the picture of administration as a whole in taking decisions. It has been well said of the danger of a specialized mind that it takes the implications of its specialized knowledge to cover a larger field than the facts warrant, whereas the general administrator continually examines the postulates and verifies them in social experience. The specialist provides intensity of gaze but narrows the outlook and it has,



therefore, been said that an expert is a good servant but a bad master. Relative significance of the results of a policy of public life may differ from the significance which may be apparent to a scientist ; so the position is that while all expert ability and effort is pressed into government service, government itself remains a layman's concern and takes a broad and general administrative view. This is the justification for the layman coming at the top of administration. Even in private industries and enterprises the managing director is a layman and the experts work under him. Therefore the rule has been to appoint a senior administrator as secretary to government and a senior departmental expert as the head of the department. There are some exceptions to this. There has been some discussion on this point and the Bombay Administrative Enquiry Committee went into this subject very thoroughly and there could be nothing better than to quote from its report at length on this point, for its treatment of the subject could not be improved :

"Almost all heads of departments have stated before us that in their view it is expedient that they should be made secretaries or joint secretaries to government for their respective departments. The reason given for this suggestion is not that it would bring them into closer contact with their Ministers. Regarding this there is no complaint ; on the contrary, it is clear that even now very close contact exists between Ministers and the heads of all departments. This, we consider, to be most desirable and in no way inconsistent with independent scrutiny and tendering of advice by secretaries to Ministers. The demand by heads of departments for a footing in the Secretariat arises from a wish to eliminate one stage in the channel of official correspondence and to prevent the delay which must inevitably occur during examination of proposals in the Secretariat. The head of one department, while explaining to us with evident satisfaction the technique which he had evolved for getting orders from his Minister without the intervention of the secretary, added that this procedure, besides hastening disposal, avoided leakage of information regarding postings and transfers and thus prevented the officers affected from protesting or intriguing in advance to get the orders changed.

"We sympathise with the impatience felt by energetic



officers at what seems to them intolerable delay in the issue of orders by Government, and we realise that in time of real emergency or crisis, procedure must give way to the needs of the moment. But we cannot in general support the demand of the departmental chiefs for secretarial status, and our opposition to it is based on principle, on facts and on experience.

"The principle involved is the one propounded in the opening paragraph of this chapter, where the basic function of the secretariat is shown to be to scrutinise departmental proposals so as to bring them into line with Government policy or to evolve a new policy to meet a new situation. A Secretariat department over a long period of years acquires a mass of data and precedents which are probably not available in the head office of the department, and this often enables it to approach a given problem from a new angle. Officers who have worked in the Secretariat know that proposals coming up to Government which seem *prima facie* to be in order frequently assume quite a different appearance after being noted on in the light of the accumulated experience of a Secretariat department. New aspects of a problem are pointed out and probable repercussions suggested which may not have occurred to the departmental officer. In any case, financial issues must be referred to the Finance Department, and proposals for appointments must be submitted to the Public Service Commission when the regulations so require. It is impossible for the head of a department, however experienced, to foresee in all cases how his schemes will impinge on Government's policy or affect other departments, and therefore we feel that, provided there is no unnecessary delay caused by inefficiency or overwork, the period devoted to scrutiny in the Secretariat is time well spent.

"But it is argued that all these advantages could be retained if the departmental chief is made a Secretary to Government and actually works in the Secretariat building, thus eliminating one stage of correspondence. We shall explain later on why we think that the Secretary should always be a non-technical and a non-professional man. But even if this were otherwise, it is, in present circumstances, physically impossible to bring all the heads of departments to Bombay and accommodate them in the Secretariat building. Besides, we think there is much to be said for locating the head offices of departments

outside Bombay, as most of them are at present, so that the needs of the Province may be seen in due perspective, and not be overshadowed by the claims of the capital city.

"Experience has shown that to make the head of a department secretary without integrating his office with the Secretariat leads only to waste of time and effort. The experiment was tried in 1939 when the Director of Public Instruction was made Joint Secretary to Government and spent a certain number of days each week in Bombay. But he continued to correspond with himself as Director of Public Instruction at Poona, and files were moved to and fro as before. It sometimes happened that as Director of Public Instruction he was obliged, at the instance of his office, to rebut the views which he himself had earlier expressed in the light of noting in the Secretariat. Thus, while there was no improvement in the disposal of work, there was created the absurdity of the same officer expressing divergent opinions in different capacities, and the experiment was abandoned.

"We are glad to note, therefore, that the Commissionership of Agriculture which was held by the Secretary to Government, Agricultural and Rural Development Department, has been abolished. When dealing with the Labour Department we shall advise that the Secretary in that Department should no longer be Commissioner of Labour, and in paragraph 116 of this report we recommend that the chief engineers should not be secretaries, and that the Secretary to Government in the Public Works Department should be a member of the Indian Civil Service or Indian Administrative Service.

"But some witnesses have favoured the appointment of technical men as secretaries, quite apart from the theory that heads of departments should have secretarial status. We are however firmly of opinion that secretaries should be drawn from the Indian Civil or Administrative Service with their background of general education and administrative experience, and that technical and professional officers should not be appointed to such posts. The reasons for this view are expanded in the succeeding paragraphs, and in paragraph 115 we deal with the particular case of the Public Works Department.

"A serious objection to the appointment of the head of a department as secretary to Government is that this would

involve Government's depending on a professional or technical man for final advice in the shaping of policy. A specialist, by reason of his preoccupation with a single problem or activity, is likely to press for the adoption of his own technical schemes, regardless of their administrative repercussions or financial implications. He has seldom opportunities of coming into close contact with all the facets of public administration or all phases of public opinion. An apt description of the limitations of an expert is contained in an article of the same name by Professor Harold Laski in Harper's Magazine, December 1930 :

'Expertise, it may be argued, sacrifices the insight of common sense to intensity of experience. It breeds an inability to accept new views from the very depth of its preoccupation with its own conclusions. It sees its results out of perspective by making them the centre of relevance to which all other results must be related. Too often also it lacks humility, and this breeds in its possessors a failure in proportion which makes them fail to see the obvious which is before their very noses. It has also a certain caste spirit about it, so that experts tend to neglect all evidence which does not come from those who belong to their ranks. Above all, perhaps, and this most urgently where human problems are concerned, the expert fails to see that very judgement he makes, not purely factual in nature, brings with it a scheme of values which has no special validity about it. It tends to confuse the importance of his facts with the importance of what he proposes to do about them'.

"The specialist is likely to develop a limited outlook and miss the wood for the trees. To quote Ramsay Muir, 'when a body of able men spend the best part of their working lives in the service of a single department they are very apt to lose the sense of proportion, and to regard their own work, not as a part of a single great labour of national service, but as an end in itself, of supreme importance'. They are likely to be led away by a feeling of departmental loyalty which makes them either blind or tolerant to the defects of the department.

"That the work of an expert should be controlled by a lay Minister, who as the representative of the public is the best judge of its interests and needs, is by now a commonly accept-

ed principle. But the need for an independent scrutiny of the technical proposals of an expert by an experienced administrator, who can be expected to take a broad and general view, is not so readily appreciated. Some of the witnesses have affirmed that such an independent non-technical scrutiny should be the function of the Minister and that since in a majority of cases a balance is to be observed between the rival claims of departments for funds, examination by the Finance Department should constitute a sufficient independent check. Whether an already overworked Finance Department could exercise such a check without a preliminary scrutiny by the administrative department is a moot point, but in any case its scrutiny would extend only to the financial aspects of the case and not to its administrative effects. Those who pin their faith to the adequacy of Ministerial control over the ramified activities of a department are generally guided by vague constitutional ideas and very often ignore the practical realities. Though the distribution of portfolios among the Ministers is made with due regard to their personal aptitudes or their special interest in any particular branch of administration, it is more often decided on political considerations. It is, therefore, not unusual to find that a Minister has little experience or prior knowledge of the activities of his department. It should, therefore, be evident that though he is able to determine policy and direct the conduct of administration in its broad aspects, the extent to which he can exercise control over the details of administration is limited by his administrative experience and the time factor. M. Poincaré's description of the daily round of a French Minister is characteristic of all Ministers in a democracy. A great part of the Minister's time is swallowed up by party and cabinet discussions, in steering party bills through the Legislature, in election activities, and by social engagements of all sorts. It is, therefore, necessary to give him the assistance of an experienced administrator, who can advise him in the formulation of policy on the basis of the proposals made by the head of a department and discover from time to time with what fidelity and success the policy laid down by the Minister is carried out.

"Another important objection to the system of appointing the head of a department to work also as secretary is that it

involves a waste of professional talent and experience without any compensatory advantages. The qualities which go to make an efficient secretary and a professional expert are not generally correlated and are seldom combined in a single individual. The system is, therefore, wasteful in two ways first, that the head of the department is not generally able to supervise departmental activities by reason of his preoccupation with secretarial duties, and secondly, the secretarial work is done by an officer who has, more often than not, no special aptitude for it. Sufficient evidence was laid before us to show that the head of a department working also as secretary has seldom enough time for his professional duties, including supervision over, and guidance to, subordinates, which must involve a certain amount of touring. Such a system obtains at present in the Public Works Department, and we had an opportunity to discuss the question with three chief engineers who had worked as secretaries to Government. It was found that the preoccupation of chief engineers with Secretariat work left them little time or inclination to undertake any duties outside their headquarters, either for supervision of works or for establishing contacts with junior officers of the department and the general public. We are of opinion that such a complete withdrawal of the head of a department from the functioning of his department in the mofussil is not desirable, and we are confirmed in this view by the observations of one chief engineer in support of urgent reform in this respect. He observed, 'With the foreshadowed increase in special engineering works, the importance of inspection, of solving difficulties at the site, of getting to know personally the projects at site, of exercising control over the tour activities of the Public Works Department staff, of taking an opportunity to come into contact with the public and sub-ordinate staff cannot be over-emphasized. These and similar functions of a chief engineer cannot be properly carried out if he is tied down in his office in carrying out duties of a secretary to Government. In professional work the eye which has developed by experience counts a lot. The possibility of the highest technical officer coming to the site and giving a surprise visit will improve the tone of the whole department. In such tours the chief engineers will get an intimate knowledge of their own sub-ordinates and their grievan-

ces, and the sub-ordinates in turn will receive useful instruction and advice. Many matters like contractors' claim and ex-gratia payments can be settled quickly by person as discussion on the spot.'

"We are aware that the question whether chief engineer should be secretary to Government has been raised several times in the past, and a change has always been stoutly resisted by the department on various grounds. These mostly take the form of contentions that could be urged with equal show of validity by other technical departments such as Medical Relief, Education, Agriculture and Forests. The Public Works Department, however, claims support for their argument from the discouraging results of an experiment carried out sixty years ago, from 1888 to 1892, when a junior engineer specially selected for his administrative abilities was selected to be Secretary to the Public Works Department, the chief engineers being only the heads of their departments. The failure of this temporary departure from the procedure followed both before and after is quoted as a clear demonstration of the need for the departmental head to be also the secretary. It appears to be forgotten that the one peculiarity in the selection of the secretary at that time which was considered to be its strong point was really the chief cause of its failure : the secretary was an able but junior officer of the Public Works Department. Such an arrangement was foredoomed to failure, as a departmental officer, and particularly a capable one, could not be expected easily to forget his professional interests and confine himself to the purely administrative duties of a secretary. And if for this reason his technical talents tended to assert themselves in spite of the restrictions placed upon him, he was exposed to criticism from senior officers of his own service. If this experience proves anything at all, it proves that the chief engineer as secretary ought to be replaced not by a technical but by an administrative man.

"Accordingly, we feel that the Public Works Department should be brought into line with all other departments in this matter and with the principle of Secretariat administration as we have stated it, and that in common with several other provinces (Bengal, Madras, the United Provinces, the Central Provinces) the Secretary in the Public Works Department

should be drawn from the Indian Civil or Administrative Service. We feel that this change might strengthen the position of the Chief Engineer as the head of his technical department, and it is obvious that an officer with high technical qualifications whom Government might wish to appoint as their Chief Engineer might be totally lacking in aptitude for Secretariat work."



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